

FEDERAL REGISTER



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Volume 77**UNITED STATES STATUTES
AT LARGE****[88th Cong., 1st Sess.]**

Contains laws and concurrent resolutions enacted by the Congress during 1963, reorganization plan, and Presidential proclamations. Included is a numerical listing of bills enacted into public and private law, and a guide to the legislative history of bills enacted into public law.

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Rules and Regulations

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

Department of Commerce

1. Section 213.3214 is added to Schedule B to except certain positions in the new Community Relations Service. One of these exceptions is for four positions of Field Coordinator and the other is for not to exceed 20 positions at grades GS-11 through GS-15 involving program responsibilities in the specialized area of community relations. Both authorities are limited to a two-year period and appointments under them may not be made after August 1, 1966. Effective upon publication in the FEDERAL REGISTER, § 213.3214, paragraph (a), subparagraphs (1) and (2) are added to Schedule B as set out below.

§ 213.3214 Department of Commerce.

(a) *Community Relations Service.*
(1) Four Field Coordinators for appointments not to exceed two years. No person shall be appointed under this authority after August 1, 1966.

(2) Not to exceed 20 positions at grades GS-11 through GS-15 involving program responsibilities in the specialized area of community relations for appointments of not to exceed two years. No person shall be appointed under this authority after August 1, 1966.

2. Section 213.3314 is amended to show that certain positions in the Community Relations Service are excepted under Schedule C.

Effective upon publication in the FEDERAL REGISTER, paragraph (c), subparagraphs (1) through (12) are added to section 213.3314 as set out below.

§ 213.3314 Department of Commerce.

(c) *Community Relations Service.*

(1) One Deputy Director.

(2) One Legal Adviser.

(3) One Associate Director for Conciliation.

(4) One Special Assistant to the Director.

(5) One Assistant for Program Development.

(6) One Volunteer Group Liaison Officer.

(7) One Government Services Liaison Officer.

(8) Two Private Secretaries to the Director.

(9) One Private Secretary to the Deputy Director.

(10) One Private Secretary to the Associate Director for Conciliation.

(11) One Private Secretary to the Legal Adviser.

(12) One Private Secretary to the Special Assistant to the Director.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633; E.O. 10577, 19 F.R. 7521, 3 CFR, 1954-1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
*Executive Assistant to
the Commissioners.*

[F.R. Doc. 64-7931; Filed, Aug. 6, 1964;
8:45 a.m.]

Title 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Tree Nuts), Department of Agriculture

PART 948—IRISH POTATOES GROWN IN COLORADO

Approval of Changes in Fiscal Period and Expenses and Rate of Assess- ment for Area No. 2

Notice of rule making regarding proposed changes in the fiscal period and the expenses and rate of assessment for Area No. 2 (San Luis Valley), to be effective under Marketing Agreement No. 97 and Order No. 948 (7 CFR Part 948), both as amended, was published in the July 14, 1964, issue of the FEDERAL REGISTER (29 F.R. 9540). This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

The notice afforded interested persons an opportunity to submit written data, views, or arguments pertaining thereto not later than 15 days following publication in the FEDERAL REGISTER. None was received.

After consideration of all relevant matters, including the proposals set forth in the aforesaid notice which were recommended by the Area Committee for Area No. 2, the following changes are hereby approved:

A. For Area No. 2, the fiscal period for 1963-64 which began June 1, 1963, is amended to end June 30, 1964, both dates inclusive.

B. Change the ending date of the fiscal period appearing in § 948.244(a) to read "June 30, 1964."

C. Amend § 948.103 to read as follows:

§ 948.103 Fiscal period.

(a) The fiscal periods for Area No. 1 and for Area No. 3 shall begin June 1 of each year and end May 31 of the following year, both dates inclusive.

(b) The fiscal periods for Area No. 2 shall begin July 1 and end June 30 of the following year, both dates inclusive.

It is hereby found that good cause exists for not postponing the effective date of these changes beyond the date of publication in the FEDERAL REGISTER (5 U.S.C. 1003) in that (1) it is necessary to make these changes effective at the earliest

possible date in order to facilitate operations under the marketing agreement and order, (2) no changes in either the assessment rate or the approved expenses for the fiscal period affected were necessary, and (3) notice hereof has been given by publication in the FEDERAL REGISTER of July 14, 1964 (29 F.R. 9540).

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601 et seq.)

Effective date: Dated August 4, 1964, to become effective upon publication in the FEDERAL REGISTER.

PAUL A. NICHOLSON,
*Deputy Director,
Fruit and Vegetable Division.*

[F.R. Doc. 64-7953; Filed, Aug. 6, 1964;
8:48 a.m.]

Chapter XIV—Commodity Credit Cor- poration, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[C.C.C. Grain Price Support Regs., 1964-Crop
Dry Edible Bean Supp.]

PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES

Subpart—1964-Crop Dry Edible Bean Loan and Purchase Program

The General Regulations Governing Price Support for the 1964 and Subsequent Crops (29 F.R. 2686), issued by the Commodity Credit Corporation which contain regulations of a general nature with respect to price support operations are supplemented for the 1964-crop of dry edible beans as follows:

Sec.

1421.2420	Purpose.
1421.2421	Applications and loans—final dates.
1421.2422	Cooperative marketing associations.
1421.2423	Eligible beans.
1421.2424	Determination of quality for loans.
1421.2425	Determination of quantity for loans.
1421.2426	Warehouse receipts.
1421.2427	Warehouse charges and packaging.
1421.2428	Service charges.
1421.2429	Maturity of loans.
1421.2430	Inspection certificates.
1421.2431	Settlement.
1421.2432	Storage in-transit.
1421.2433	Support rates.

AUTHORITY: The provisions of this subpart issued under sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 301, 401, 63 Stat. 1053, 15 U.S.C. 714c, 7 U.S.C. 1421, 1441.

§ 1421.2420 Purpose.

This subpart contains program provisions which, together with the applicable provisions of the General Regulations Governing Price Support for the 1964 and Subsequent Crops, and any amendments thereto, apply to loans and

purchases made under the 1964-crop Dry Edible Bean Price Support Program.

§ 1421.2421 Applications and loans—final dates.

Producers desiring price support must file an application not later than January 31, 1965. Loans shall be available through March 31, 1965.

§ 1421.2422 Cooperative marketing associations.

A cooperative marketing association which satisfies the requirements of this section shall be deemed an eligible producer and shall be eligible for price support on eligible beans through warehouse storage loans and purchases. Applications for determination of eligibility shall be submitted to the State committee of the State where the association's principal office is located no later than September 1, 1964.

(a) *Producer-owned and controlled.* The association must be a producer-owned cooperative marketing association of producers under the control of its producer-members. The association shall submit with its application a detailed statement of its method of operations showing the manner in which producer-members have control of the association.

(b) *Articles or bylaws provisions.* Except as otherwise provided in this paragraph, the articles of incorporation or association, or bylaws of the association, must provide for: (1) An annual membership meeting at a location which will provide reasonable opportunity for all members to attend and participate, (2) a notice of all district, area, or annual meetings to be given to all members affected by such meetings, (3) membership in the association to be open to all farmer-producers of beans except that producers may be denied membership on a reasonable basis, including among other reasons, that the membership of the farmer-producer would be inimical to the effective operation of the association, (4) voting on election of officers and directors by secret ballot when there have been more nominees than there are vacancies to be filled, (5) a single vote for each member, regardless of the number of shares of stock owned or controlled by him, or voting rights for each member based on his production of beans marketed by the association during the current year or a single preceding year, but whichever of the preceding bases of voting is practiced, it shall be uniform for all members of the association, and (6) each member receiving a summary financial statement prepared by the independent accountant who made the annual audit of the association. The requirements of subparagraphs (4), (5), and (6) of this paragraph may be provided for by resolution of the board of directors of the association.

(c) *Financial condition.* The association must submit with its application evidence establishing that its operation is on a financially sound basis.

(d) *Operations.* The association must (1) have been in existence and conducting legitimate marketing operations for its producer-members for a period of

not less than two years prior to the date of its application, or (2) submit evidence that it is so organized and staffed as to provide effective marketing operations for its producer-members.

(e) *Conflict of interest.* The association must submit with its application a report concerning all transactions, except those which are no different than transactions entered into by the association with its general membership, for the year preceding the date of the application: (1) With any director, officer, or employee of the association or any of his close relatives, (2) with any partnership in which any such person or any of his close relatives is entitled to receive a percentage of the gross profits, (3) with any corporation in which any such person or any of his close relatives own stock, (4) with any business entity from which any such person or any of his close relatives received fees for transacting business with or on behalf of the association, or (5) with any business entity in which an agent, director, officer or employee of the association was an agent, director, officer or employee of such business entity. A close relative shall be deemed to refer to a husband or a wife or a person related as child, parent, brother, or sister by blood, adoption, or marriage and shall include in-laws within such categories of relationship. The report shall include, but is not limited to, transactions involving purchases, sales, processing, handling, marketing, transportation, warehousing, insurance and related activities. A statement must also be submitted indicating whether any transactions of the kind described in this paragraph are contemplated in the period between the date of the application and August 1, 1965, and if such transactions are contemplated, a detailed statement of the reasons therefor. The association shall not be eligible for price support unless it establishes that any such transactions in the year preceding the date of application and in the period beginning with the date of application and ending on August 1, 1965, have not and will not operate to the detriment of members of the association.

(f) *Uniform marketing agreement.* All eligible beans which are delivered to the association by producer-members and which are included in a pool consisting in whole or in part of beans on which price support is obtained from CCC must be marketed through the association pursuant to a uniform marketing agreement between the association and each of its producer-members who deliver such eligible beans.

(g) *Purchased and non-member beans.* Beans purchased by a cooperative marketing association from producer-members who do not retain the right to share proportionately in the proceeds from marketing of the beans as provided in paragraph (1) of this section and beans purchased or acquired from non-members are not eligible for price support.

(h) *Member business.* Not less than 80 percent of the beans marketed by the association must be produced by its producer-members. Beans purchased by

the association from CCC shall not be considered in determining the volume of beans marketed for members and non-members.

(i) *Vested authority.* The association must have authority to obtain a loan on the security of the beans and give a lien thereon as well as authority to sell such beans.

(j) *Records maintained.* The association must maintain a record by classes and grades of the quantity of beans eligible for price support acquired from each eligible producer-member. Also, the association must maintain a record by classes and grades of the quantity of beans not eligible for price support acquired by or delivered to the association from each source and such record must show the disposition of the ineligible beans.

(k) *Physical inventory.* The association must keep in inventory at all times a quantity of beans equivalent in quality and quantity to the quality and quantity of the beans shown on its outstanding warehouse receipts. Price support may be obtained by the association only on the quantity of eligible beans which remain undisposed of in its inventory at the time of application for price support.

(l) *Distribution of proceeds.* The association may establish separate pools for beans acquired from its members. Proceeds of marketing of any pool which consists in whole or in part of beans on which price support is obtained from CCC must be distributed only to members participating in such pool on a proportionate basis according to the quantity and quality of the beans delivered by each member which are included in such pool. All beans included in such a pool must be eligible for price support and must have been produced by eligible producers who are members of the association. Allocations of costs and expenses as between separate pools shall be made in accordance with sound accounting principles and practices. Any losses incurred by the association in marketing beans not included in a pool consisting in whole or in part of beans on which price support is obtained from CCC may not be assessed against the proceeds of marketing of such a pool.

(m) *Inspection by CCC.* Beans held by the association must be available for inspection by CCC at all reasonable times as long as the association has beans under price support. The books and records of the association must be available to CCC for inspection at all reasonable times through July 31, 1970.

(n) *Member associations.* Notwithstanding the requirements of paragraph (a) of this section, an association which includes in its membership other associations composed of producer-members shall be eligible for price support if all such member associations meet the requirements for price support under this section. The requirements of paragraph (i) of this section shall be deemed to be satisfied if such member associations have the right to deliver to the association applying for price support eligible beans delivered by their producer-members and to authorize the association applying for price support to sell the

beans and to obtain a loan on the security of the beans and to give a lien thereon. The association applying for price support shall: (1) In its charter, bylaws, marketing contracts or by other legal means require that its member association meet the requirements for price support under this section, (2) submit the material and certifications required by paragraphs (c), (d) and (e) of this section with respect to each member association, (3) certify to CCC that its member associations are in fact eligible for price support under the requirements of this section, and (4) except for the requirement that it consist of producers, otherwise qualify for price support under this section.

(c) *Eligibility determinations.* Determinations with respect to the eligibility of cooperative marketing associations of producers under this section for either warehouse-storage loans or purchases or both, shall be made by the Executive Vice President, CCC.

(p) *Investigations.* CCC shall have the right at any time after an application is received to examine all records and make such investigations deemed necessary to determine whether the cooperative is operating in accordance with its articles of incorporation, bylaws, agreements with producers or member associations and with the representations made in its application.

(q) *Non-discrimination.* A cooperative association receiving price support is subject to the provisions of Title VI of the Civil Rights Act of 1964, and of any regulations issued thereunder. Accordingly, the association shall not, on the grounds of race, color or national origin, deny any producer membership in the association or subject any producer to discrimination in receiving benefits, privileges and rights in the association. The United States shall have the right to enforce compliance therewith by suit or any other action authorized by law.

§ 1421.2423 Eligible beans.

(a) *General.* The beans must be merchantable for use as food or feed or for other uses as determined by CCC and must meet the additional requirements of this section in order to be eligible for price support.

(1) *Classes.* The beans must be dry edible beans of the classes Pea, Medium White, Great Northern, Small White, Flat Small White, Pink, Small Red, Pinto, Dark Red Kidney, Light Red Kidney, Western Red Kidney, Large Lima and Baby Lima.

(2) *Contamination and poisonous substances.* The beans must not be contaminated by rodents, birds, insects or other vermin or contain mercurial compounds or other substances poisonous to man or animals.

(b) *Warehouse stored.* In addition to the requirements of paragraph (a) of this section, in order to be eligible for a loan, beans stored in an approved warehouse must be represented by warehouse receipts or warehouse receipts and supplemental certificates calling for delivery of beans grading No. 2 or better and containing not more than 18 percent moisture.

§ 1421.2424 Determination of quality for loans.

(a) *Quality.* The class, grade and all other quality factors shall be in accordance with the Official United States Standards for Beans, whether or not such determinations are made on the basis of an official inspection.

(b) *Loans.* In the case of beans stored in an approved warehouse, loans will be made on the class and grade which are called for delivery by the warehouse receipt or supplemental certificate if applicable. In all other cases, loans will be made on the basis of the class and grade shown on a Federal or Federal-State lot inspection certificate or an official sample inspection certificate based on a sample drawn by a representative of the county committee. Notwithstanding the foregoing provisions of this paragraph, in the case of loans on thresher-run beans, the quality of the beans may be determined by the ASCS State Office where the Deputy Administrator, State and County Operations, Agricultural Stabilization and Conservation Service authorizes such determination.

§ 1421.2425 Determination of quantity for loans.

(a) *In warehouse—(1) Commingled.* The amount of a loan on eligible beans stored commingled in an approved warehouse shall be based on the net weight which is called for delivery by the warehouse receipt representing such beans pledged as security for the loan, or by the supplemental certificate if applicable.

(2) *Identity preserved.* The amount of a loan on eligible beans stored identity preserved in an approved warehouse shall be based on 95 percent of the net weight specified on the warehouse receipt representing such beans which is pledged as security for the loan or on the supplemental certificate if applicable.

(b) *On farm.* The quantity of beans placed under farm storage loan shall be determined in accordance with § 1421.67 on the basis of a percentage of the estimated net weight of the eligible beans stored in approved farm storage and covered by the chattel mortgage or if the beans have not been processed, on the basis of a percentage of the estimated net weight of the sound beans so stored as determined by an inspection by a representative of the county committee. Such quantity shall be expressed in whole units of 100 pounds.

(c) *Bagged or bulk.* When necessary to convert bagged beans from gross weight to net weight, there shall be deducted $\frac{3}{4}$ pound per bag for the weight of any jute bags and a comparable weight as determined by CCC when packed in other type bags approved by CCC.

§ 1421.2426 Warehouse receipts.

(a) *General.* Warehouse receipts representing beans in approved warehouse storage placed under warehouse storage loan, delivered in satisfaction of a farm storage loan or for purchase must meet the requirements of this section and the General Regulations Governing Price Support for 1964 and

Subsequent Crops and any amendments thereto.

(b) *Grade and class.* A separate warehouse receipt must be submitted for each grade and class of beans.

(c) *Entries.* Each warehouse receipt or supplemental certificate properly identified with the warehouse receipt, must show (1) net weight, (2) class, (3) grade, and (4) in the case of "identity-preserved" beans, the warehouse receipt shall show the lot number, and the producer must execute the supplemental certificate and assume responsibility for the quantity and quality indicated thereon. When the beans have not been processed prior to issuance of the warehouse receipt, the warehouse receipt or the supplemental certificate must also show the gross weight, moisture and percentage of total defects of the beans received and the quantity and quality which the warehouseman guarantees to deliver.

§ 1421.2427 Warehouse charges and packaging.

(a) *Warehouse charges.* Prior to the time that the beans are placed under warehouse-storage loans, or acquired by CCC, the producer shall arrange for payment of storage, bagging, processing, inspection and all other charges (except receiving and loading out charges in the warehouse in which the beans are acquired by CCC) accruing through the maturity date for loans. Such charges include the cost of movement to a normal railroad shipping point if the warehouse is not located on a railroad, and any unloading, turning, repiling, or other charges, except loading out charges, incident to official weight and grade determinations on identity-preserved beans. CCC will assume warehouse storage charges in accordance with the Bean Storage Agreement accruing after the maturity date for loans for beans acquired by CCC.

(b) *Packaging.* Unless otherwise approved by CCC, the producer must arrange for beans acquired under loans or purchases to be packed 100 pounds net in new 36-inch, extra quality 10.4 ounce or heavier jute bags. Bag seams must be as strong as the full strength of the cloth. Bags must be marked to show the commodity name and class; the net weight when packed; and the name and address of the packer.

§ 1421.2428 Service charges.

A charge of one cent per hundred-weight will be made for the quantity of beans acquired by CCC and shall be handled in accordance with § 1421.60(b). In addition, a charge of \$3.50 for each lot sampled will be made in connection with farm stored loans and for each warehouse receipt for identity preserved warehouse stored loans when an acceptable inspection certificate is not furnished.

§ 1421.2429 Maturity of loans.

Unless demand is made earlier, loans will mature on April 30, 1965.

§ 1421.2430 Inspection certificates.

Except in the case of loans on beans stored commingled in an approved ware-

house, settlement with the producer on all beans acquired by CCC will be based on the class, grade and quality shown on the official lot inspection certificate. Such inspection certificate shall be dated not earlier than 30 days prior to the applicable maturity date. The cost of Federal or Federal-State lot inspections as required by this section and § 1421.2431 shall not be for the account of CCC.

§ 1421.2431 Settlement.

Settlement for eligible beans acquired by CCC under loan or by purchase will be made with the producer as provided in § 1421.72 and this section.

(a) *Commingle warehouse stored.* Settlement for eligible beans stored commingled in an approved warehouse and acquired by CCC under a loan or by purchase shall be made on the basis of the class, grade and quality and net weight which are called for delivery by the beans or the supplemental certificate if applicable.

(b) *Other storage.* Settlement for eligible beans acquired under loan or purchase not stored commingled in an approved warehouse shall be made on the basis of the class, grade and quality shown on Federal or Federal-State lot inspection certificates and on the basis of the quantity shown on official weight certificates. Such certificates dated not earlier than 30 days prior to the applicable maturity date shall be furnished the county committee at the time of delivery. The weight of bagged beans stored other than commingled in an approved warehouse shall be the net weight of the lot as determined under the preceding provisions of this paragraph, or a quantity determined by multiplying the number of bags by 100 pounds, whichever is smaller. When necessary to convert bagged beans from gross weight to net weight, there shall be deducted $\frac{3}{4}$ pound per bag for the weight of any jute bags, and a comparable weight as determined by CCC when packed in other type bags approved by CCC.

§ 1421.2432 Storage in-transit.

Reimbursement will be made by CCC to producers or warehousemen for paid-in freight on beans stored in approved warehouses, subject to the following conditions:

(a) The movement from point of origin to storage point must be an "in-line" movement as determined by CCC, and must be no greater than 100 miles from the point of production unless otherwise approved by CCC prior to the date of shipment.

(b) The freight must have been paid by the person claiming reimbursement and he must not have been otherwise reimbursed.

(c) The warehousemen must furnish the descriptive data on all freight bills or transit tonnage slips on all eligible beans received into the storage facility at the time and in the manner stipulated in the Bean Storage Agreement.

(d) The freight bills or transit tonnage slips must be made available to CCC

in accordance with the provisions of the Bean Storage Agreement.

(e) Not more than one transit stop must have been used on billing.

(f) The freight bills must be otherwise acceptable to CCC under the terms of the Bean Storage Agreement.

(g) Reimbursement for paid-in freight under this section will be made by the appropriate ASCS commodity office subsequent to actual acquisition of the beans by CCC.

§ 1421.2433 Support rates.

The support rate for beans placed under a loan, other than a loan on beans stored in an approved warehouse, shall be the applicable basic support rate specified in paragraph (a) of this section, for the county in which the beans were produced adjusted as provided in paragraph (d) of this section. The support rate for loans on beans stored in approved warehouse storage and for settlement of all loans and purchases shall be the applicable support rate specified in paragraph (a) of this section for the county in which the beans were produced, adjusted in accordance with the provisions of this section and the provisions of § 1421.74 and in the case of settlements adjusted for such other discounts as may be established by CCC as applicable to the class, grade, and quality of beans acquired by CCC. Except in the case of large lima beans, if the beans have been moved by truck to approved storage in a higher support rate county, or if the warehouseman guarantees delivery by truck to approved storage or on track in a higher support rate county, the support rate shall be the support rate for the county in which the beans are stored or to which delivery is guaranteed.

(a) *Basic county support rates.* The basic county support rates per 100 pounds net weight for beans of all classes grading U.S. No. 1 are as follows:

<i>Class and area</i>	<i>Rate per 100 pounds U.S. No. 1</i>
Area I—All counties in New Mexico except McKinley, Rio Arriba, San Juan, Taos, and Valencia.....	\$6.38
Area II—All counties in Kansas, Nebraska, Oklahoma, and Texas. In Colorado, the counties of Adams, Arapahoe, Baca, Bent, Boulder, Cheyenne, Clear Creek, Crowley, Denver, Douglas, Elbert, El Paso, Fremont, Gilpin, Huerfano, Jefferson, Kiowa, Kit Carson, Larimer, Las Animas, Lincoln, Logan, Morgan, Otero, Phillips, Prowers, Pueblo, Sedgwick, Teller, Washington, Weld, and Yuma. In Wyoming, the counties of Goshen, Laramie, and Platte.....	6.28
Area III—In New Mexico, the counties of McKinley, and Valencia.....	6.18
Area IV—All counties in Arizona, California, South Dakota, and Utah. In Wyoming all counties except Goshen, Laramie, and Platte. In Colorado, all counties not in Area II. In New Mexico, the counties of Rio Arriba, San Juan, and Taos.....	6.08
Area V—All counties in Washington.....	5.78
Area VI—All counties in other States.....	5.88

*Rate per
100 pounds
U.S. No. 1*

Glass and area

Great Northern:	
Area I—All counties in Minnesota, Nebraska, and North Dakota. In Colorado, all counties east of 106° longitude. In Wyoming, the counties of Goshen, Laramie, and Platte.....	\$7.02
Area II—All counties in South Dakota. All counties in Wyoming except Goshen, Laramie, Platte.....	6.82
Area III—All counties in Montana. In Idaho, the counties of Ada, Bannock, Bear Lake, Bingham, Boise, Canyon, Caribou, Cassia, Elmore, Franklin, Gem, Gooding, Jerome, Lincoln, Minidoka, Oneida, Owyhee, Payette, Power and Twin Falls. In Oregon, Malheur County.....	6.62
Area IV—All counties in other States.....	6.52
Pea and Medium White:	
Area I—All counties in Michigan, New York, Maine, Minnesota, and Wisconsin.....	6.90
Area II—All counties in other States.....	6.40
Small White and Flat Small White.....	7.33
Dark Red Kidney.....	8.51
Light Red Kidney.....	8.51
Western Red Kidney.....	8.51
Pink.....	7.13
Small Red:	
Area I—All counties in Idaho and Colorado.....	7.26
Area II—All counties in Washington.....	7.18
Area III—All counties in other States.....	7.23
Large Lima:	
Area I—In California, counties of Monterey, Orange, San Luis Obispo, Santa Barbara, Ventura, Los Angeles, and San Diego.....	10.80
Area II—All other counties in California.....	10.05
Baby Lima.....	5.40

(b) *Premium-grade.*

	<i>Cents per 100 pounds</i>
U.S. CHP (Pea beans).....	.25
U.S. CHP (All other beans).....	.10
U.S. Extra No. 1.....	.10

(c) *Discount-grade.*

	<i>Cents per 100 pounds</i>
U.S. No. 2.....	.25

(d) *Deduction for processing charges.* In the case of beans which have not been processed (i.e., commercially cleaned), the rate shall be reduced by the following accounts (except for beans stored commingled in an approved warehouse):

	<i>Dollars per 100 pounds from U.S. No. 1 rate</i>
Michigan and New York.....	\$3.00
All other States.....	2.00

Effective upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on August 4, 1964.

H. D. GODFREY,
Executive Vice President,
Commodity Credit Corporation.

[F.R. Doc. 64-7955; Filed Aug. 6, 1964;
8:48 a.m.]

PART 1443—OILSEEDS

Subpart—Cottonseed Oil Purchase Program Regulations (1964)

Sec.	
1443.2001	General statement.
1443.2002	Administration.
1443.2003	Crusher's participation in program.
1443.2004	Purchases of cottonseed by crusher.
1443.2005	Cooperative mills.
1443.2006	Tender of oil.
1443.2007	Purchase of cottonseed oil by CCC.
1443.2008	Information release.
1443.2009	Movement of cottonseed oil.
1443.2010	Books and records.
1443.2011	Consultation with other firms.
1443.2012	Parent Company.
1443.2013	Benefits and contingent fees.
1443.2014	Nondiscrimination in employment.
1443.2015	Civil Rights Act of 1964.

AUTHORITY: The provisions of this subpart issued under secs. 4 and 5, 62 Stat. 1070, as amended, secs. 301, 401, 63 Stat. 1051, as amended, sec. 601, 70 Stat. 212, 15 U.S.C. 714b and 714c, 7 U.S.C. 1447, 1421, 1446d.

§ 1443.2001 General statement.

As a part of the 1964 Cottonseed Price Support Program formulated by Commodity Credit Corporation (referred to in this subpart as "CCC") and the Agricultural Stabilization and Conservation Service (referred to in this subpart as "ASCS"), CCC hereby offers to purchase cottonseed oil from cottonseed crushers participating in the program under the terms and conditions stated in this subpart. No purchases will be made from crushers who do not participate in the program. The program will be carried out by ASCS under the general supervision and direction of the Executive Vice President, CCC.

§ 1443.2002 Administration.

Except as specifically provided otherwise, operations under this subpart will be administered by the New Orleans ASCS Commodity Office located at Wirth Building, 120 Marais Street, New Orleans 16, Louisiana (referred to in this subpart as "the New Orleans Office"). CCC contracting officers in the New Orleans Office will execute contract documents on behalf of CCC. Officials in the New Orleans Office, ASC State Committees, and county ASC committees do not have authority to waive or modify any provisions of this subpart.

§ 1443.2003 Crusher's participation in program.

(a) *Acceptance by crusher.* Any crusher who completes and forwards to the New Orleans Office an original and copy of the 1964 Cottonseed Price Support Program Crusher Acceptance (Form CCC 912) and complies with the other provisions of this subpart (such crusher is hereinafter referred to as a "participating crusher") will be eligible to tender cottonseed oil to CCC, except that no purchases will be made from any crusher debarred or suspended from contracting with CCC or from participating in programs financed by CCC. Such acceptance form must be filed not later than September 16, 1964: *Provided,*

That, subject to approval of CCC, tenders may also be made by a crusher who files such acceptance form subsequent to September 16, 1964, but such crusher will be permitted to tender only the cottonseed oil equivalent of seed purchased subsequent to the date of filing the acceptance form, as provided in § 1443.2006. If a crusher operates more than one cottonseed crushing mill, he must file an acceptance form for each mill for which he desires to accept this offer, and each such mill shall be treated as a separate unit for the purpose of determining the rights and obligations of the crusher with respect to cottonseed purchased by and cottonseed oil delivered from each such mill.

(b) *Withdrawal from program.* A participating crusher may withdraw from the program at any time upon written notice to the New Orleans Office and will not be obligated to pay the prices specified in § 1443.2004 for cottonseed purchased after withdrawal. The crusher may continue to make tenders of cottonseed oil to CCC under this subpart after withdrawal, but cottonseed purchased by the crusher after withdrawal shall be excluded in computing the maximum quantity of oil CCC will purchase, and the maximum quantity of oil tendered after withdrawal shall not exceed the quantity of oil which the crusher can produce from the eligible cottonseed which he has on hand and has not crushed as of the date of withdrawal. A crusher who has withdrawn may re-enter the program only upon approval of CCC.

§ 1443.2004 Purchases of cottonseed by crusher.

(a) *Price.* A participating crusher must pay for all 1964 crop cottonseed purchased from participating ginner (as defined in the Cottonseed Purchase Program Regulations issued by CCC, referred to herein as "Cottonseed Purchase Program Regulations") not less than \$48 per net ton basis grade (100) f.o.b. conveyance or carrier at the gin, with premiums and discounts for other grades equal to the same percentage of such price as the percentage by which the grade of cottonseed purchased exceeds or is less than the basis grade (100), except that the crusher shall use an average grade for the area in the case of purchases from gins located in any area designated by the Director, Oils and Peanut Policy Staff, ASCS, as an area in which the average grade for the area shall be used for this purpose. Cottonseed which is "below grade" or "off quality" as defined in the United States Official Standards for Grades of Cottonseed may be purchased at a price mutually agreeable to the crusher and the participating ginner. The crusher must pay for all 1964 crop cottonseed purchased from producers not less than the purchase price to be paid to producers by participating ginner under the Cottonseed Purchase Program Regulations.

(b) *Grades.* Unless otherwise approved by the Executive Vice President, CCC, or his designee, the grades of cottonseed purchased by the crusher from participating ginner under this subpart

shall be determined in accordance with the United States Official Standards for Grades of Cottonseed by chemical analysis of samples drawn from the cottonseed by federally licensed cottonseed samplers, or such other persons as are approved by CCC, and forwarded to and analyzed by federally licensed cottonseed chemists: *Provided,* That if cottonseed delivered to the crusher is destroyed or damaged prior to sampling, the grade of such cottonseed shall be deemed to be the average grade of cottonseed in the area in which the cottonseed is acquired by the crusher, as determined by CCC: *Provided further,* That the linter factor may be excluded in determining the grade if the crusher did not grade 1963 crop cottonseed in accordance with the U.S. Official Standards because of the linter factor: *And provided further,* That in the case of purchases of cottonseed from ginner located in an area designated by the Director, Oils and Peanut Policy Staff, ASCS, as an area in which the average grade for the area shall be used, the average grade for the area shall be determined by CCC on the basis of the latest ASCS grade report for the area at the time of purchase based on samples drawn as stipulated by the Cotton Division of the Agricultural Marketing Service or such other method as the Executive Vice President, CCC may approve. The cost of sampling and analyzing cottonseed shall be borne by the crusher.

(c) *Weight.* Purchases of cottonseed from participating ginner under this subpart shall be based upon weight at the crusher's mill after deduction of the weight of all foreign material in excess of 1 percent. The cost of weighing shall be borne by the crusher.

(d) *Receipts from gins owned by or under the same legal entity as the crusher.* Where the crusher and a ginner are a single legal entity or where the crusher owns a gin and is directly responsible for its management, cottonseed received by the crusher from such gin shall not have been purchased from producers at less than the purchase price to be paid to producers by participating ginner under the Cottonseed Purchase Program Regulations and such cottonseed shall be graded by the crusher in accordance with paragraph (b) of this section.

§ 1443.2005 Cooperative mills.

If the crusher is a cooperative oil mill, and if the marketing agreements between the crusher and its members provide for advances, the crusher may advance a part of the applicable minimum purchase price determined in accordance with the provisions of § 1443.2004 at the time each lot of cottonseed is purchased and pay the balance after completion of crushing of 1964 crop cottonseed, but not later than December 31, 1965. Such payments may not be made, in whole or in part, by issuance of revolving fund certificates or by other method of retention of amounts for capital purposes: *Provided,* That a cooperative oil mill may pay a part of the purchase price by issuance of revolving fund certificates if it meets the eligibility requirements provided in Supplement 1 to this subpart.

§ 1443.2006 Tender of oil.

(a) *Tenders by crusher.* Subject to the other provisions of this subpart, a participating crusher may tender crude cottonseed oil to CCC: *Provided*, That, if crude oil is not normally produced at the mill, the crusher may tender once-refined cottonseed oil: *And provided further*, That if the crusher can, at the same location, produce either crude or once-refined cottonseed oil, he may either tender crude or once-refined oil or make a twofold tender of crude oil and once-refined oil.

(b) *Option tenders.* CCC may at its option, at any time prior to 2:00 p.m., c.s.t., on any Wednesday of any given week (or the next day if Wednesday is a holiday), announce that it will purchase cottonseed oil at specified prices by competitive areas. "Competitive areas", as used in this subpart, shall mean the areas which CCC determines to have similar conditions affecting production and relatively similar disposition costs. Such announced prices will be determined by CCC after giving consideration to the criteria specified in § 1443.2007(b). Tenders made pursuant to such announcements are hereinafter referred to as "option tenders".

(c) *Submission of tenders.* Each tender of cottonseed oil by the crusher shall be made to the New Orleans office. The tender may be made by letter transmitting a completed 1964 Cottonseed Price Support Program Crusher Tender Form (CCC Form 913) or by wire. If a tender is made by wire, a completed Crusher Tender Form shall promptly be mailed to the New Orleans office in confirmation, and the tender will not be accepted by CCC if it has not received the confirmation. Each tender must be signed by the crusher, by an employee of the crusher having authority to sign tenders for the crusher, or by a broker designated in writing to the New Orleans office by the crusher. The designation for a broker shall indicate that the broker, as an agent of the crusher, is authorized to submit tenders on behalf of the crusher (see § 1443.2013c). Each tender shall state the price at which the crusher offers to sell the oil to CCC, whether the crusher is tendering basis prime crude or prime bleachable summer yellow cottonseed oil or making a two-fold tender, the quantity tendered, and the planned delivery schedule meeting the requirements of § 1443.2007. A supplementary explanation and justification must accompany any tender contemplating delivery after August 31, 1965.

(d) *Time of tender.* Option tenders shall be made as of 4:00 p.m., c.s.t., on each Thursday following the announcement by CCC that it will purchase cottonseed oil at specified prices (or the next working day if Thursday is a holiday or the announcement of prices by CCC was on Thursday). All other tenders of cottonseed oil shall be made as of 4:00 p.m., c.s.t., on each Thursday (or the next working day if Thursday is a holiday) at the New Orleans office. No tender, or modification or withdrawal thereof, will be considered if received after the specified time on a particular

tender date, unless received before acceptance is made of tenders received before the specified time on such date and CCC determines that (1) such tender, modification, or withdrawal was delayed in transmission by mail or telegraph through no fault of the crusher, or (2) the modification is made for the purpose of correcting an error apparent on the face of the original tender, for the purpose of clarifying an ambiguity or supplying an omission therein, or the modification is beneficial to CCC and not prejudicial to any other crusher. No tenders shall be made later than July 31, 1965.

(e) *Limitation on tenders.* The crusher shall not tender any cottonseed oil which, if accepted by CCC, would cause the total quantity of oil tendered to and accepted by CCC and not yet delivered to CCC to exceed the quantities of oil (1) which have been or can be produced from that part of the cottonseed specified in paragraph (d) of § 1443.2007 which has been acquired by the crusher up to the time of tender, and (2) which the crusher has not sold or contracted to sell to other persons. The crusher shall not tender any oil which, if accepted by CCC, would cause the total quantity of oil tendered to and accepted by CCC and not yet delivered to CCC to exceed (i) the capacity of the mill to produce during a 60-day period of normal operation if such tender is made prior to December 30, 1964, and during a 45-day period if such tender is made thereafter nor (ii) the quantity of oil which can be produced from the cottonseed which he has on hand and has not crushed as of the date of tender: *Provided*, That the crusher may make one or more tenders of oil in excess of the quantity limits stipulated in subdivisions (i) and (ii) of this subparagraph but CCC will not accept a total quantity of such oil which is in excess of the capacity of the mill to produce during a 15-day period of normal operation.

§ 1443.2007 Purchase of cottonseed oil by CCC.

(a) *Consideration of tender and acceptance or rejection.* As soon as possible after the time for tenders on each tender date CCC will consider all tenders of oil by participating crushers under this subpart. If CCC determines (1) that the price stated in an option tender is the price announced by CCC or that the price stated in any other tender is acceptable and (2) that the tender is otherwise acceptable under this subpart, CCC will accept the tender. CCC will notify the crusher of acceptance or rejection of the tender by wire filed not later than 4:00 p.m., c.s.t., on the next working day following the tender date.

(b) *Price considerations.* The price stated in a tender, other than an option tender, will be acceptable to CCC if CCC determines that such price is not in excess of that price necessary to enable crushers within the crusher's generally competitive area to recover, as a group average, the minimum price which participating crushers are required to pay to ginners for cottonseed under this subpart plus such margin above such minimum price as CCC deems to be reasonable. In

making such determination, due consideration will be given to current market prices for cottonseed products other than oil, average product outturns within said area, and other applicable factors. The crusher shall undertake to cooperate with the Agricultural Marketing Service, USDA, in furnishing cottonseed product prices at which he sells in bulk on the wholesale market.

(c) *Contract of sale.* Each tender by the crusher and acceptance by CCC shall constitute a separate contract for the sale of the cottonseed oil covered thereby in accordance with the terms and conditions of this subpart and in accordance with the applicable rules of the National Cottonseed Products Association (referred to in this subpart as "NCPA") in effect on the date of tender of such oil except to the extent that such rules are inconsistent with this subpart and except as to periods specified in such rules for presentation of claims and the rules on arbitration.

(d) *Quantity.* The total quantity of oil which CCC will purchase from a participating crusher shall not exceed the amount of oil that can normally be produced by the crusher (based on the 1963 crop outturn per ton of cottonseed) from the quantity of 1964 crop cottonseed produced in the United States and purchased by the crusher (1) from participating ginners during the period of said ginners' participation under the Cottonseed Purchase Program Regulations (including the period prior to the date a ginner filed his Ginner's Notice of Intention to Participate if CCC determines that the ginner was unable to file such notice earlier because of delay in making the program available, that the ginner paid not less than the prescribed CCC support price for the 1964 crop cottonseed purchased from producers, and that, for all 1964 crop cottonseed purchased from the ginner, the crusher paid not less than the price to be paid to participating ginners as specified in § 1443.2004 and (2) from producers: *Provided*, That below grade or off quality cottonseed purchased by the crusher shall be excluded in computing the maximum quantity of oil which CCC will purchase: *And provided further*, That if the crusher's acceptance form is received subsequent to September 16, 1964, and is approved by CCC, cottonseed purchased by the crusher prior to the date of receipt of the acceptance form shall be excluded in computing the maximum amount of oil CCC will purchase.

(e) *Amendment of contract.* The New Orleans Office and the crusher may, by mutual agreement, amend any contract of sale.

(f) *Delivery.* Each lot of cottonseed oil purchased by CCC shall be delivered by the crusher to CCC f.o.b. tank cars or tank trucks made available without cost to the crusher at crusher's mill. The crusher shall deliver cottonseed oil crushed from 1964 crop cottonseed produced in the United States. Delivery will be in tank car lots in accordance with the delivery schedule specified in the tender or any modification thereof mutually agreed to by the crusher and the New Orleans Office, and in accord-

ance with shipping instructions issued by the New Orleans Office. In any event, CCC shall not be obligated to accept the initial delivery under any tender prior to 15 business days after the date of CCC's acceptance of the tender, and at least 10 percent of the quantity shall be delivered within 30 days after the date of sale, at least 30 percent within 60 days after the date of sale, and at least 60 percent within 90 days after the date of sale, and delivery shall be completed not later than 180 days after the date of sale. No deliveries shall be made after August 31, 1965, except by special arrangement with the Director of the New Orleans Office. Title to the cottonseed oil shall pass to CCC upon delivery. In delivering oil under any contract of sale, a variation of one-half of one percent above or below the total quantity sold will be accepted as a good delivery as to weight.

(g) *Grade.* The cottonseed oil delivered by the crusher shall be basis prime crude cottonseed oil or prime bleachable summer yellow cottonseed oil (as specified in the tender), as defined in the rules of the NCPA: *Provided*, That if, on the basis of sampling and chemical analysis of cottonseed being crushed by the mill at the time for delivery, it is shown to the satisfaction of the New Orleans office that basis prime crude cottonseed oil or prime bleachable summer yellow cottonseed oil cannot be produced, the crusher may deliver crude cottonseed oil of less than prime quality at the agreed sales price less discounts determined in accordance with the rules of the NCPA or once-refined cottonseed oil of prime summer yellow or summer yellow grade at a price mutually agreed upon by the crusher and CCC. The sales price of crude oil shall be adjusted for variance in quality in accordance with the rules of the NCPA.

(h) *Provisional payment.* When oil is delivered to CCC, the crusher may present to CCC for provisional payment an invoice, with shipping documents acceptable to CCC attached, for the value of the oil based on origin weights and the agreed sales price.

(i) *Final settlement.* Final settlement for oil delivered to CCC will be made upon the basis of the official analysis and the certified destination outturn weight of the oil determined in accordance with the NCPA rules. The analysis and weighing will be arranged for by CCC at its expense.

§ 1443.2008 Information release.

It is understood that CCC will make public names, quantities, locations and prices and such other information as it deems advisable with respect to all tenders under this subpart which have been accepted by CCC and transactions developing therefrom.

§ 1443.2009 Movement of cottonseed oil.

CCC shall not be responsible for any loss or injury caused the crusher by failure of CCC to move cottonseed oil promptly, and the crusher shall not be responsible for any failure to deliver or delay in delivery of cottonseed oil, where such failure or delay on the part of CCC

or the crusher is due to any cause without its fault or negligence including, but not restricted to, acts of God or the public enemy, storms, floods, conflagrations, strikes, blockades, riots, embargoes, or priority, allocation, service, or other orders or directives issued by the Government, difficulty in obtaining tank cars or tank trucks or any other cause without the fault or negligence of CCC or the crusher. Notwithstanding the foregoing provisions, if CCC fails for any reason to issue shipping instructions in accordance with the delivery schedule specified in the tender (or any modification mutually agreed to by the New Orleans Office and the crusher) the crusher may have an official analysis or quality determination made and shall not be responsible for any subsequent loss or deterioration in quality except for any loss, deterioration or damage due to the fault or negligence of the crusher.

§ 1443.2010 Books and records.

Each crusher filing an acceptance form under this subpart shall keep accurate books, records, and accounts with respect to all purchases of cottonseed (including the name of seller, date of receipt, weight, and grade of each lot of cottonseed purchased) and all other transactions under this subpart for a period of at least three years from the last date any cottonseed oil is delivered by the crusher under this subpart, and shall furnish CCC such information and reports relating thereto as CCC may from time to time request, subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942. The crusher shall permit authorized employees of the United States Department of Agriculture, at any time during customary business hours to inspect, examine, audit and make copies of such books, records, and accounts.

§ 1443.2011 Consultation with other firms.

By submitting a tender under this subpart, the crusher warrants that the tender was prepared and submitted without consultation and agreement with any other firm or concern (except as between principal and his agent or broker and except as between a crusher and its management which also manages other crushers) with respect to the prices stated in the tender.

§ 1443.2012 Parent company.

Each crusher submitting a tender under this subpart shall state whether the crusher is owned or controlled by a parent company and, if so, shall state the name and principal office address of the parent company in the spaces provided on the tender form. The crusher shall also insert in the space provided the Employer's Identification Number (E.I. No.) (Federal Social Security Number used on Employee's Quarterly Federal Tax Return, U.S. Treasury Department Form 941) of the crusher and the parent company (if any). For the purposes of this subpart, a parent company is defined as one which either owns or controls the activities and basic business policies of the bidder. To own another company means the parent company

must own at least a majority (more than 50 percent) of the voting rights in that company. To control another company such ownership is not required; if another company is able to formulate, determine or veto basic business policy decisions of the bidder, such other company is considered the parent company of the bidder. This control may be exercised through the use of dominant minority voting rights, use of proxy voting, contractual arrangements, or otherwise.

§ 1443.2013 Benefits and contingent fees.

(a) No Member of or Delegate to the Congress of the United States or Resident Commissioner shall be admitted to any share or part of any contract resulting from tenders of cottonseed oil under this subpart or to any benefit that may arise therefrom, but this provision shall not be construed to extend to such a contract if made with a corporation for its general benefit, nor to prohibit the purchase of cottonseed from such a person in his capacity as a producer.

(b) By submitting a tender under this subpart the crusher warrants that no person or selling agency has been employed or retained to solicit or secure the contract upon an agreement of understanding for a commission, percentage, brokerage, or contingent fee except bona fide employees or bona fide established commercial or selling agencies maintained by the crusher for the purpose of securing business. For breach or violation of this warranty, CCC shall have the right to annul the contract without liability, or in its discretion to deduct from the contract price of the cottonseed oil the full amount of such commission, percentage, brokerage, or contingent fee.

(c) By submitting a tender under this subpart, the crusher further warrants that he has not employed or utilized any person, firm, or organization which (1) furnished any information or service which might tend to prevent, limit, or restrict competition in the submission of tenders under this subpart, or (2) furnished any assistance to the crusher in the calculation of prices if such person, firm, or organization has assisted or is assisting other persons submitting tenders under this subpart in the calculation of prices (other than prices to be specified in option tenders).

§ 1443.2014 Nondiscrimination in employment.

If a tender by the crusher results in a contract for the sale of cottonseed oil having a total sales price of \$100,000 or more, the contractor agrees during the performance of the contract as follows:

(a) The contractor will not discriminate against any employee or applicant for employment because of race, creed, color, or national origin. The contractor will take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to their race, creed, color or national origin. Such action shall include, but not be limited to, the following: employment, upgrading, demotion or transfer; recruitment or recruitment advertising; layoff or ter-

mination; rate of pay or other forms of compensation; and selection for training, including apprenticeship. The contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the contracting officer setting forth the provisions of this nondiscrimination clause.

(b) The contractor will, in all solicitations or advertisements for employees placed by or on behalf of the contractor, state that all qualified applicants will receive consideration for employment without regard to race, creed, color, or national origin.

(c) The contractor will send to each labor union or representative of workers with which he has a collective bargaining agreement or other contract of understanding, a notice to be provided by the agency contracting officer; advising the said labor union or workers' representative of the contractor's commitments under this section, and shall post copies of the notice in conspicuous places available to employees and applicants for employment.

(d) The contractor will comply with all provisions of Executive Order No. 10925 of March 6, 1961, as amended, and of the rules, regulations, and relevant orders of the President's Committee on Equal Employment Opportunity created thereby.

(e) The contractor will furnish all information and reports required by Executive Order No. 10925 of March 6, 1961, as amended, and by the rules, regulations, and orders of the said Committee or pursuant thereto, and will permit access to his books, records, and accounts by the contracting agency and the Committee for purposes of investigation to ascertain compliance with such rules, regulations, and orders.

(f) In the event of the contractor's noncompliance with the nondiscrimination clauses of such contract or with any of the said rules, regulations, or orders, such contract may be cancelled, terminated or suspended in whole or in part and the contractor may be declared ineligible for further government contracts in accordance with procedures authorized in Executive Order No. 10925 of March 6, 1961, as amended, and such other sanctions may be imposed and remedies invoked as provided in the said Executive Order or by rule, regulation, or order of the President's Committee on Equal Employment Opportunity, or as otherwise provided by law.

(g) The contractor will include the provisions of the foregoing paragraphs (a) through (g) of this section in every subcontract or purchase order unless exempted by rules, regulations, or orders of the President's Committee on Equal Employment Opportunity issued pursuant to section 303 of Executive Order No. 10925 of March 6, 1961, so that provisions will be binding upon each subcontractor or vendor. The contractor will take such action with respect to any subcontract or purchase order as the contracting agency may direct as a means of enforcing such provisions, including sanctions for noncompliance: *Provided, however,* That in the event the contractor becomes involved in, or is

threatened with, litigation with a subcontractor or vendor as a result of such direction by the contracting agency, the contractor may request the United States to enter into such litigation to protect the interests of the United States.

§ 1443.2015 Civil Rights Act of 1964

This program is subject to the provisions of Title VI of the Civil Rights Act of 1964 and of any regulations issued thereunder. Accordingly, the crusher shall not discriminate on the basis of race, color, or national origin against any ginner or producer in the purchase of cottonseed. The United States shall have the right to enforce compliance with this provision by suit or any other action authorized by law.

Effective date: Upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on August 4, 1964.

H. D. GODFREY,
Executive Vice President,
Commodity Credit Corporation.

[F.R. Doc. 64-7956; Filed, Aug. 6, 1964; 8:48 a.m.]

[Supp. to Cottonseed Oil Purchase Program Regulations (1964)]

PART 1443—OILSEEDS

Subpart—Cottonseed Oil Purchase Program Regulations (1964)

REVOLVING FUND PAYMENTS BY COOPERATIVE OIL MILLS

The Cottonseed Oil Purchase Program Regulations (1964) are hereby supplemented by adding § 1443.2016 to read as follows:

§ 1443.2016 Revolving fund payments by cooperative oil mills.

The eligibility requirements and considerations under which cooperative oil mills may be permitted to pay a part of the applicable minimum purchase price by issuance of revolving-fund certificates are as follows:

(a) *Producer-owned and controlled.* The oil mill (referred to in this section as "the association") must be a cooperative oil mill under the control of its members. The association shall submit with its application a detailed statement of its method of operation showing the manner in which members have control of the association.

(b) *Articles or bylaw provisions.* The articles of incorporation or association, or bylaws of the association, must provide for: (1) An annual membership meeting at a location which will provide reasonable opportunity for all members to attend and participate, (2) a notice of all district, area, or annual meetings to be given to all members affected by such meeting, (3) membership in the association to be open to all cooperative gins, except that membership may be denied on a reasonable basis, including among other reasons, that the membership would be inimical to the effective operation of the association, (4) voting on election of officers and directors by secret ballot, (5) a single vote for each member regardless of the number of shares of

stock owned or controlled, or voting rights for each member based on the quantity of cottonseed crushed or marketed by the association for the members during the current crop year or a single preceding crop year, but whichever of the preceding bases of voting is used, it shall be uniform for all members of the association, and (6) each member receiving a summary financial statement prepared by the independent accountant who made the annual audit of the association. The requirements of subparagraphs (4), (5), and (6) of this paragraph, may be provided for by resolution of the board of directors of the association.

(c) *Financial condition.* The association must submit with its application evidence establishing to the satisfaction of the Executive Vice President, CCC, that its operation is on a financially sound basis.

(d) *Operations.* The association must have been in existence and conducting crushing and marketing operations for its members for a period of not less than two years prior to the date of its application or submit evidence that it is so organized and staffed as to provide effective crushing and marketing operations for its members.

(e) *Conflict of interest.* The association must submit with its application a detailed report concerning all transactions, except those which are no different than transactions entered into by the association with its general membership, for the year preceding the date of the application: (1) With any director, officer, or employee of the association and any of his close relatives, (2) with any partnership in which any such person or any of his close relatives are entitled to receive a percentage of the gross profits, (3) with any corporation in which any such person or any of his close relatives own stock, (4) with any business entity from which any such person or any of his close relatives received fees for transacting business with or on behalf of the association, (5) with any business entity in which any agent, director, officer or employee of the association was an agent, director, officer or employee. A close relative shall be deemed to refer to a husband or a wife or a person related as child, parent, brother, or sister by blood, adoption, or marriage and shall include in-laws within such categories of relationship. The report shall include, but is not limited to, transactions involving purchases, sales, processing, handling, marketing, transportation, warehousing, insurance and related activities. A statement must also be submitted indicating whether any transactions of the kind described in this paragraph are contemplated in the period between the date of the application and September 16, 1965, and if such transactions are contemplated, a detailed statement of the reasons therefor. The association may not pay a part of the purchase price for cottonseed by issuance of revolving-fund certificates unless it establishes to the satisfaction of the Executive Vice President, CCC, that any such transactions in the year preceding the date of application or in the period for the year succeeding the date of application have not

and will not operate to the detriment of members of the association.

(f) *Uniform marketing agreement.* All eligible cottonseed which is delivered to the association by members must be delivered to the association pursuant to a uniform marketing agreement between the association and each of its members who deliver such eligible cottonseed.

(g) *Member business.* Not less than 80 percent of the cottonseed crushed by the association must be produced by the members.

(h) *Inspection and investigation.* CCC shall have the right, after an application is received, to examine all records of the association and to make such investigation as deemed necessary to determine whether the association is operating in accordance with its articles of incorporation, bylaws, and with the representations made in its application and agreement with CCC. The books and records of the association for the years that the association is approved must be available to any duly authorized representative of the U.S. Department of Agriculture for inspection at all reasonable times through July 31 of the fifth year following the calendar year in which the cottonseed are grown.

(i) *Eligibility determinations.* The determination with respect to the eligibility of the Association to use revolving-fund certificates as part of its payments for cottonseed shall be made by the Executive Vice President, CCC.

(j) *Submission of applications.* Applications for determination of eligibility shall be submitted to the Director, Procurement and Sales Division, ASCS, U.S. Department of Agriculture, Washington, D.C., 20250, no later than September 30, 1964.

(Sec. 4 and 5, 62 Stat. 1070, as amended, secs. 301, 401, 63 Stat. 1051, as amended, sec. 601, 70 Stat. 212; 15 U.S.C. 714b and 714c, 7 U.S.C. 1447, 1421, 1446d)

Effective date: Upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on August 4, 1964.

H. D. GODFREY,
Executive Vice President,
Commodity Credit Corporation.

[F.R. Doc. 64-7957; Filed, Aug. 6, 1964;
8:49 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter II—Civil Aeronautics Board

SUBCHAPTER F—POLICY STATEMENTS

[Reg. PS-23]

PART 399—STATEMENTS OF GENERAL POLICY

Applications of Foreign Air Carriers for Statements of Authorization To Conduct Off-Route Charter Trips

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 4th day of August 1964.

Pursuant to its decision in the Transatlantic Charter Investigation, Docket 11908 et al., the Board revised Part 295 of the Economic Regulations, pertaining to Transatlantic Supplemental Air Transportation.¹ The Board's Policy Statements, § 399.15(b), make certain provisions of Part 295 applicable to off-route charter trips conducted by foreign air carriers under Part 212 of the Economic Regulations. In view of the changes that have been made in Part 295, it is necessary to amend § 399.15(b).

Among other things, the revision of Part 295 relaxes certain restrictions previously imposed on the activities of travel agents in connection with charter flights. Thus, an agent may now assist in the organization or assembly of a charter group, solicit individual members of the organization both for the flight and for land tours, receive individual deposits, distribute literature to individual members, and extend credit to the chartering organization in connection with expenses of solicitation or administration. An agent who is a member of the organization may also receive a commission. It is appropriate that the removal of these restrictions also be made applicable to off-route passenger charters by foreign air carriers under Part 212. Therefore § 399.15(b) (2) is amended by striking out those sections that have been deleted from Part 295. However, two restrictions remain in effect: (1) an agent may not receive a commission from both the carrier and the charterer for the same service (§ 295.20), and (2) he may not make payments or extend gratuities to any member of a chartering organization (§ 295.21).

Revised Part 295 also removes certain limitations with respect to chartering organizations. The charter eligibility of organizations is no longer restricted as to number of members of the organization or their area of residence, and a member of a chartering organization who is the carrier's agent may receive a commission from the carrier. However, revised § 295.31 provides that a charterer must maintain a central membership list, available for inspection by the carrier or Board representative, which shows the date each person became a member. The Board has determined that these changes should be applicable to off-route charters by foreign air carriers. Therefore, § 399.15(b) (3) will continue to include §§ 295.2(1) (formerly § 295.2(k)), 295.30, 295.31, and 295.33(c), which effect these changes. Section 399.15(b) (1) also includes § 295.16, which now allows the carrier to pay a commission to a member of a chartering organization if such member is its agent.

Appropriate editorial changes have been made to reflect changes in the section numbers of revised Part 295.

It should be noted that the references to less-than-planeload charter groups in the sections of Part 295 incorporated in this policy statement are not applicable

to off-route charters by foreign air carriers, which, as the policy statement provides, are governed by the provisions of Part 212 of the Economic Regulations.

Since this is a statement of policy generally relieving restrictions and imposing only a minor burden with respect to the maintenance of membership lists by chartering organizations, notice and public procedure hereon are unnecessary, and the regulation may be made effective upon less than 30 days' notice.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends § 399.15(b) of Part 399, Statements of General Policy (14 CFR Part 399), effective August 7, 1964, to read as follows:

§ 399.15 Processing of applications of foreign air carriers, pursuant to Part 212 of this chapter, for Statements of Authorization to conduct off-route charter trips.

(b) *Provisions relating to foreign air carriers, travel agents, and chartering organizations.* In supplementation of the provisions of Part 212 of this chapter, all of which are here controlling, the following provisions of Part 295 of this chapter (the Economic Regulations) shall apply to off-route passenger charters by foreign air carriers:

(1) To such extent as the context will permit, the following provisions of Part 295 of this chapter shall apply to foreign air carriers: §§ 295.2 (c) to (l) (definitions); 295.3 (waiver); 295.11 (solicitation and formation of a chartering group); 295.14(f) (one-way passenger and plane-load groups); 295.16 (prohibition against payments or gratuities); 295.50 (provisions for mixed charters); and 295.60 (advisory opinion).

(2) To such extent as the context will permit, the following provisions of Part 295 of this chapter shall apply to travel agents: §§ 295.2 (c) to (l) (definitions); 295.20 (prohibition against double compensation); 295.21 (prohibition against payments or gratuities); and 295.50 (provisions for mixed charters).

(3) To such extent as the context will permit, the following provisions of Part 295 of this chapter shall apply to chartering organizations: §§ 295.2 (c) to (l) (definitions); 295.30 (solicitation of charter participants); 295.31 (passengers on charter flights); 295.32 (participation of immediate families in charter flights); 295.33 (a) to (c) (charter costs); 295.34(a) (statements of charges); 295.50 (provisions for mixed charters); and 295.60 (advisory opinion).

(Secs. 204(a) and 402, 72 Stat. 743 and 757, 49 U.S.C. 1324 and 1372; Administrative Procedure Act, section 3, 60 Stat. 238, 5 U.S.C. 1002)

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 64-7964; Filed, Aug. 6, 1964;
8:50 a.m.]

¹ Regulation No. ER-408, adopted April 30, 1964, Order E-20776.

Chapter III—Federal Aviation Agency**SUBCHAPTER C—AIRCRAFT REGULATIONS**

[Reg. Docket No. 5048; Amdt. 787]

PART 507—AIRWORTHINESS DIRECTIVES**Boeing Models 707/720 Series Aircraft**

A proposal to amend Part 507 of the regulations of the Administrator to include an airworthiness directive requiring inspection of the air conditioning access doors, repair or replacement if the doorframes are found cracked, and replacement of defective hinges with new hinges on Boeing Models 707 and 720 Series aircraft was published in 29 F.R. 6405.

Interested persons have been afforded an opportunity to participate in the making of the amendment. There was a comment that obtaining approval of door repair schemes from the Aircraft Engineering Division, FAA Western Region, was unnecessarily burdensome. The AD has been changed to permit repair in accordance with the aircraft manufacturer's structural repair manual or data approved by a Boeing Designated Engineering Representative (DER).

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 507.10(a) of Part 507 (14 CFR Part 507) is hereby amended by adding the following new airworthiness directive:

BOEING. Applies to Models 707 and 720 Series aircraft.

Compliance required as indicated.

As a result of several incidents involving loss of air conditioning bay access doors, accomplish the following:

(a) Within 550 hours' time in service after the effective date of this AD, unless accomplished within the last 2,500 hours' time in service, and at intervals thereafter not to exceed 3,050 hours' time in service from the last inspection:

(1) On all Models 707 and 720 Series aircraft, inspect for lobe wear the five hinges on the left and right-hand air conditioning bay access doors and the mating hinges located on the bottom of the fuselage between fuselage Stations 620 and 820.

(2) Remove any hinges that have lobe wall thicknesses less than 0.030 inches and replace with new hinges of the same part number or an FAA-approved equivalent hinge, before further flight.

(3) On aircraft Serial Numbers 17586 through 17619, 17623 through 17626, 17628 through 17652, 17658 through 17673, 17675 through 17684, 17692 through 17706, 17718 through 17720, 17722 through 17724, 17903 through 17905, 17907 through 17909, 17925 through 17927 and 18013, visually inspect the air conditioning bay access doorframes and the hinges thereon for cracks around the rivets attaching the hinges to the door. Before further flight, replace cracked hinges with hinges of the same part number or an FAA-approved hinge, and if the doorframes are cracked, either replace the doors with new doors or repair them in accordance with the applicable Boeing Structural Repair Manual, or repair data approved by a Boeing Structural Designated Engineering Representative (DER).

(b) The inspections specified in (a) (3) may be discontinued when reinforcement plates and bolts are added to the access doors in accordance with Paragraph 3, Modification Data, of Boeing Service Bulletin No. 879,

dated July 8, 1960, or an FAA Western Region, Aircraft Engineering Division, approved equivalent.

(c) Upon request of the operator, an FAA maintenance inspector, subject to prior approval of the Chief, Aircraft Engineering Division, FAA Western Region, may adjust the repetitive inspection intervals specified in this AD to permit compliance at an established inspection period of the operator if the request contains substantiating data to justify the increase for such operator.

(Boeing Service Bulletin No. 879 pertains to this same subject.)

This amendment shall become effective September 7, 1964.

(Secs. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on July 31, 1964.

G. S. MOORE,
Director,
Flight Standards Service.

[F.R. Doc. 64-7932; Filed, Aug. 6, 1964; 8:45 a.m.]

[Reg. Docket No. 6122; Amdt. 785]

PART 507—AIRWORTHINESS DIRECTIVES**Boeing Models 707 and 720 Series Aircraft**

Amendment 689, 29 F.R. 2641, AD 64-5-1, as amended by Amendment 740, 29 F.R. 6945, requires the installation of bonded laminate panels of thin aluminum sheet and glass cloth on the wing skin of all Boeing Models 707 and 720 Series aircraft in the area of the surge tanks to prevent penetration of the skin by lightning strikes. The AD does not, however, provide for flight with damaged or missing armor panels. This has subsequently imposed a hardship on some operators since repair or replacement of damaged skin usually requires equipment located only at the main maintenance base. Therefore, Amendment 689 as amended by Amendment 740, is further amended to permit restricted flight with missing or damaged panels for a period sufficient to allow scheduling of necessary repairs.

Since this amendment is relieving in nature and imposes no additional burden on any person, notice and public procedure hereon are unnecessary and the amendment may be made effective upon publication in the FEDERAL REGISTER.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 507.10(a) of Part 507 (14 CFR Part 507), is amended as follows:

Amendment 689, 29 F.R. 2641, AD 64-5-1, as amended by Amendment 740, 29 F.R. 6945, Boeing Models 707 and 720 Series aircraft, is further amended by adding a new paragraph (c) to read:

(c) For those airplanes incurring damage or delamination to the armor paneling, if immediate repair or replacement is not possible, accomplish the following:

(1) Before further flight, trim loose or delaminated skin or scrim cloth in accordance with Boeing telegraphic message No. 6/7161/1/9602 dated April 9, 1964, or an FAA-approved equivalent.

(2) Place a placard in the cockpit in full view of the pilot, prohibiting flight into areas of known thunderstorm or lightning activity.

(3) Within 125 hours' time in service after incurring damage to the armor skin, repair or replace the skin in accordance with Boeing telegraphic message No. 6/7161/1/9602 dated April 9, 1964, or an FAA-approved equivalent. Upon accomplishment of this repair the flight restriction of (c) (2) is no longer applicable and the required placard may be removed.

(4) Equivalent means of compliance with (c) (1) and (3) shall be processed through the Aircraft Engineering Division, FAA Western Region, Los Angeles, California.

This amendment shall become effective August 7, 1964.

(Secs. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on July 31, 1964.

G. S. MOORE,
Director, Flight Standards Service.
[F.R. Doc. 64-7933; Filed, Aug. 6, 1964; 8:45 a.m.]

[Reg. Docket No. 6015; Amdt. 786]

PART 507—AIRWORTHINESS DIRECTIVES**De Havilland Model 114 Heron Aircraft**

A proposal to amend Part 507 of the regulations of the Administrator to include an airworthiness directive requiring inspection of the elevator trim tab connecting rod assemblies and replacement of any parts found cracked on de Havilland Model 114 Heron aircraft was published in 29 F.R. 7605.

Interested persons have been afforded an opportunity to participate in the making of the amendment. No objections were received.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 507.10(a) of Part 507 (14 CFR Part 507), is hereby amended by adding the following new airworthiness directive:

DE HAVILLAND. Applies to Model 114 Heron aircraft.

Compliance required within 150 hours' time in service after the effective date of this AD.

As a result of cracking of eye ends used in the rudder and elevator trim tab connecting rod assemblies, accomplish the following unless already accomplished:

(a) Remove eye ends, P/N's CM2A and CM2B, and make the crack test specified in T.N.S. Heron (114) No. CF10 issued February 24, 1964.

(b) Replace cracked parts before further flight.

(Hawker Siddeley Aviation, de Havilland Division T.N.S. Heron (114) No. CF10 covers this same subject.)

This amendment shall become effective September 7, 1964.

(Secs. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on July 31, 1964.

G. S. MOORE,
Director, Flight Standards Service.
[F.R. Doc. 64-7934; Filed, Aug. 6, 1964; 8:45 a.m.]

[Reg. Docket No. 5002; Amdt. 784]

**PART 507—AIRWORTHINESS
DIRECTIVES****Douglas Model DC-8 Series Aircraft**

A proposal to amend Part 507 of the regulations of the Administrator to supersede Amendment 484, 27 F.R. 9212, AD 62-20-1, as revised by Amendment 490, 27 F.R. 9697, Amendment 559, 28 F.R. 4127, Amendment 593, 28 F.R. 7558, and Amendment 637, 28 F.R. 11728, with a new directive that requires the incorporation of a flap lockout system and incorporates the later issuance of the manufacturer's service bulletins on Douglas Model DC-8 Series aircraft, was published in 29 F.R. 5350.

Interested persons have been afforded an opportunity to participate in the making of the amendment. There was objection to the AD on the basis that there has not been a case of flap blowback in a critical flight regime and that flap hose failures resulted in gradual loss of fluid, thereby allowing time for corrective action. While there have been no cases of flap blowback occurring in a critical flight regime, it should be noted that not all flap hose failures have resulted in gradual loss of fluid. Some failures have been reported as "gusher" type and have resulted in an immediate loss of hydraulic system pressure and fluid. Since such a failure could occur in a critical flight regime, the Agency considers the incorporation of a flap lockout system to be necessary.

There was another comment that the AD is not warranted because of improvements in the flap system over the past few years such as changes to the flap drive links, flap cylinders and thermo relief valves. These changes, while improving flap system reliability, do not improve the reliability of the flap actuating cylinder hoses. Attention was called to an incorrect hose part number referred to in the proposal. Since Resistoflex P/N R25800-4 hoses are not installed in Model DC-8 aircraft, the reference has been deleted from the AD.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 507.10(a) of part 507 (14 CFR Part 507), is hereby amended by adding the following new airworthiness directive:

DOUGLAS. Applies to all Model DC-8 Series aircraft.

Compliance required as indicated.

To assure flap system reliability and to eliminate difficulties which could result in the inadvertent retraction of the flaps during critical portions of the flight regime, accomplish the following:

(a) Modify each aircraft within 6,000 hours' time in service after the effective date of this AD to incorporate a flap lockout system per Douglas DC-8 Service Bulletin No. 27-132, Revision No. 2, dated December 12, 1963, or an FAA Western Region, Aircraft Engineering Division approved equivalent modification. When the flap system is modified as indicated, the hose inspection and replacement provisions of this AD may be discontinued.

(b) Until the modification required by (a) is incorporated, inspect the flap system

hoses and remove the hoses from service as follows:

(1) Within 900 hours hose time in service since the last inspection or 90 days after the effective date of this AD, whichever occurs first, inspect all flap hoses bearing Douglas basic P/N 5716378-4 for any evidence of cracking, splitting, abrasion, or other damage to the covering. Reinspect at intervals of 900 hours hose time in service or 90 days, whichever occurs first, until the modification in (a) is accomplished. Remove from service any hose on which only the covering is found to be cracked or abraded and the hose itself is found to be undamaged prior to the next 300 hours hose time in service or 30 days, whichever occurs first. Remove from service any hose exhibiting damage other than cracked or abraded covering before further flight. Remove from service undamaged hoses bearing Douglas basic P/N 5716378-4 prior to 1,500 hours total hose time in service. The inspections and the removal from service requirements of this paragraph apply also to new hoses installed as replacements pursuant to this paragraph.

(2) Prior to 1,800 hours total hose time in service, remove from service all hoses bearing Douglas basic P/N S5773937-4 (same length code) or Aeroquip basic P/N 611049-4 (same length code).

(3) Remove from service all hoses bearing Douglas basic P/N S5776432-4 (same length code) or Aeroquip basic P/N's 677219-4, 677220-4 (same length code) as follows:

(i) Remove from service hoses with less than 1,900 hours total hose time in service on the effective date of this AD prior to 2,000 hours total hose time in service.

(ii) Remove from service hoses with 1,900 or more hours total hose time in service on the effective date of this AD within the next 100 hours hose time in service.

(iii) Remove from service hoses installed as replacements under this paragraph prior to 2,000 hours hose time in service.

(4) Remove from service all hoses bearing Douglas basic P/N S5778051 (same length code) or Resistoflex basic P/N's R23718-4, R23708-4 (same length code) as follows:

(i) Remove from service hoses with less than 2,300 hours total hose time in service on the effective date of this AD prior to 2,400 hours total hose time in service.

(ii) Remove from service hoses with 2,300 or more hours total hose time in service on the effective date of this AD within the next 100 hours hose time in service.

(iii) Remove from service hoses installed as replacements under this paragraph prior to 2,000 hours hose time in service.

(c) Do not install green or black flap actuating cylinder hoses dated prior to 1962.

(Douglas DC-8 Service Bulletins No. 27-113, Reissue No. 1 dated November 14, 1962, No. A27-146, Reissue No. 2 dated December 27, 1963, and No. 27-132, Revision No. 2 dated December 12, 1963, pertain to this same subject.)

This supersedes Amendment 484, 27 F.R. 9212, AD 62-20-1, as revised by Amendment 490, 27 F.R. 9697, Amendment 559, 28 F.R. 4127, Amendment 593, 28 F.R. 7558, and Amendment 637, 28 F.R. 11728.

This amendment shall become effective September 7, 1964.

(Secs. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington D.C., on July 31, 1964.

G. S. MOORE,

Director, Flight Standards Service.

[F.R. Doc. 64-7935; Filed, Aug. 6, 1964; 8:45 a.m.]

[Reg. Docket No. 5050; Amdt. 783]

**PART 507—AIRWORTHINESS
DIRECTIVES****General Dynamics Model 240 Series
Aircraft**

A proposal to amend Part 507 of the regulations of the Administrator to include an airworthiness directive requiring modification of the aircraft fire extinguisher circuits to provide circuit protection and incorporation of an alternate emergency power circuit on General Dynamics Model 240 Series aircraft was published in 29 F.R. 6406.

Interested persons have been afforded an opportunity to participate in the making of the amendment. There was a request that the compliance time be extended from 500 hours' time in service to 1,000 hours' time in service. Further evaluation by the Agency and the aircraft manufacturer substantiates such an increase and the airworthiness directive has been changed accordingly.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 507.10(a) of Part 507 (14 CFR Part 507) is hereby amended by adding the following new airworthiness directive:

GENERAL DYNAMICS. Applies to Model 240 Series aircraft.

Compliance required within 1,000 hours' time in service after the effective date of this AD, unless already accomplished.

A fault in an unprotected cabin supercharger disconnect circuit caused an electrical fire in the cabin pressurization console on the copilot's side. To prevent recurrence of this incident provide the following circuit protection:

Modify the aircraft fire extinguisher circuits, cabin pressure dump solenoid circuit and emergency compressor shutoff valve circuit to provide circuit protection and incorporate an alternate emergency power circuit and a normally-off test light in accordance with Convair Service Engineering Report No. 240-24 dated January 3, 1964, with revision "A" dated March 9, 1964, or an FAA Western Region Engineering approved equivalent. (Convair Service Engineering Report No. 240-24 pertains to this same subject.)

This amendment shall become effective September 7, 1964.

(Secs. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on July 31, 1964.

G. S. MOORE,

Director, Flight Standards Service.

[F.R. Doc. 64-7936; Filed, Aug. 6, 1964; 8:45 a.m.]

[Reg. Docket No. 6121; Amdt. 782]

**PART 507—AIRWORTHINESS
DIRECTIVES****Vertol Models 42 and 44 Series
Helicopters**

There has been a failure of a spiral bevel pinion gear installed in a Vertol helicopter aft transmission. The nature of the failure indicated that metallurgical processing was a contributing factor. To prevent further such failures, it is necessary to require the retirement of

spiral bevel pinion gears which were processed in the same lot. Efforts have been unsuccessful in determining which helicopters were delivered with transmissions having bevel pinion gears processed in the same lot and which operators received spare bevel pinion gears processed in the same lot. Therefore, all 42D2001 Series aft transmissions are affected by this AD as described under paragraph 5 of Vertol Division Technical Memorandum SDTM No. 2059.

As a situation exists which demands immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective upon publication in the FEDERAL REGISTER.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 507.10(a) of Part 507 (14 CFR Part 507) is hereby amended by adding the following new airworthiness directive:

VERTOL. Applies to all Models 42A, 42B (military H21B, H21C), 44A and 44B helicopters.

Compliance required as indicated.

A spiral bevel pinion gear P/N 42D2043-2 installed in an aft transmission of a Vertol Model 42/44 Series helicopter recently failed. The nature of the failure indicated that metallurgical processing was a contributing factor. The gears listed herein were manufactured in the same carburizing and heat treat lot. These gears must be removed from service and replaced as follows:

(a) Remove from service any spiral bevel pinion gear P/N 42D2043-2 listed in paragraph (b) and replace it in accordance with the V44-28 rotor transmission overhaul manual at the following times:

(1) Within 10 hours' time in service after the effective date of this AD for those gears which have 500 or more hours' time in service on the effective date of this AD.

(2) Within 50 hours' time in service after the effective date of this AD for those gears which have less than 500 hours' time in service on the effective date of this AD.

(b) The following spiral bevel pinion gears P/N 42D2043-2 shall be removed from service in accordance with paragraph (a):

<i>Gear S/N</i>	<i>Aft Transmission S/N</i>
P2009-----	P-9-1653
P2008-----	P-9-1665
P2001-----	P-9-1657
P1999-----	P-9-1640
P1997-----	P-9-1646
P1977-----	P-9-1642
P1972-----	P-9-1405
P2007-----	
P1995-----	
P1982-----	
P1961-----	

(NOTE: It is believed that the aft transmission S/Ns listed above have the corresponding gear S/N listed. It is not known which aft transmission S/Ns may have the remaining listed gear S/Ns.)

(Vertol Division Technical Memorandum SDTM No. 2059 dated May 19, 1964, covers this subject.)

This amendment shall become effective August 7, 1964.

(Secs. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on July 31, 1964.

G. S. MOORE,
Director, Flight Standards Service.

[F.R. Doc. 64-7937; Filed, Aug. 6, 1964; 8:46 a.m.]

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 56233]

PART 8—LIABILITY FOR DUTIES; ENTRY OF IMPORTED MERCHANDISE

Certain Coal-Tar Colors

Under the authority of section 481(a) (10) of the Tariff Act of 1930 additional information, according to the specifications set forth in "Schedule A" of § 14.5 (n), Customs Regulations, is required in § 8.13(h) of said regulations to be furnished with each invoice of imported coal-tar colors, dyes, stains, and related products except for second and successive shipments to the same port of identical merchandise of the same name and strength if a reference to the date of the first shipment is given.

The Bureau agrees with representations it has received that duplications of identical "Schedule A" data for such imports at each port of entry serve no useful appraisal or tariff classification purpose and that the exception indicated above should extend to second and successive shipments to the United States, at whatever port the merchandise is entered, provided a reference is given to the entry of the first shipment to the United States showing the date and the port of entry.

The chief chemist, Customs Laboratory, Port of New York, N.Y., upon the receipt of a test sample from the second or a successive import shipment of identical merchandise of the same name and strength, wherever entered, will relate the sample to the applicable import "Schedule A" data already on hand from the first shipment, thereby eliminating unnecessary duplications of identical "Schedule A" data.

To accomplish this simplification, as well as to conform the description of the class of merchandise to the Tariff Schedules of the United States, § 8.13(h) of the Customs Regulations is amended as follows:

The class of merchandise headed "Coal-tar colors, dyes, colors, stains, color acids, color bases, color lakes, leuco-compounds, indoxyl and indoxyl compounds (T.D.'s 53595, 53688)" is amended to read "Colors, dyes, stains and related products classifiable under the provisions of schedule 4, part 1C, Tariff Schedules of the United States, except item 406.80, (T.D.'s 53593, 53688, 56233)".

The exception noted in (a) of the existing statement of requirements is amended to read:

(a) The information is not required for second and successive shipments of identical merchandise of the same name and strength if a reference is given to the date and the port of entry of the first shipment.

(Secs. 481, 624, 46 Stat. 719, 759, sec. 101, 76 Stat. 72; 19 U.S.C. 1481, 1624; Gen. Hdnote if a reference is given to the date and the

[SEAL]

PHILIP NICHOLS, Jr.,
Commissioner of Customs.

Approved: July 30, 1964.

JAMES A. REED,
*Assistant Secretary
of the Treasury.*

[F.R. Doc. 64-7952; Filed, Aug. 6, 1964; 8:48 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

PART 3—STATEMENTS OF GENERAL POLICY OR INTERPRETATION

PART 131—INTERPRETATIVE STATEMENTS RE WARNINGS ON DRUGS AND DEVICES FOR OVER-THE-COUNTER SALE

Acetophenetidin (Phenacetin)- Containing Preparations

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502(f) (2), 701(a), 52 Stat. 1051, 1055; 21 U.S.C. 352(f) (2) 371(a)) and under the authority delegated to the Commissioner of Food and Drugs by the Secretary of Health, Education, and Welfare (21 CFR 2.90; 29 F.R. 471), Part 3 and § 131.16 are amended as follows:

1. Part 3 is amended by adding thereto a new section as follows:

§ 3.37 Acetophenetidin (phenacetin)-containing preparations; necessary warning statement.

(a) In 1961, the Food and Drug Administration, pursuant to its statutory responsibility for the safety and effectiveness of drugs shipped in interstate commerce, began an active investigation of reports of possible toxic effects and renal damage due to misuse of the drug acetophenetidin. This study led to the decision that there was probable cause to conclude that misuse and prolonged use of the drug were in fact responsible for kidney lesions and disease. The Commissioner of Food and Drugs, in December 1963, appointed an ad hoc Advisory Committee of Inquiry on Possible Nephrotoxicity Associated With the Abuse of Acetophenetidin (Phenacetin)-Containing Preparations. This committee, composed of scientists in the fields of pharmacology and medicine, on April 23, 1964, submitted its findings and conclusions in the matter and recommended that all acetophenetidin (phenacetin)-containing preparations bear a warning as provided in section 502(f) (2) of the Federal Food, Drug, and Cosmetic Act.

(b) On the basis of the studies made by the Food and Drug Administration and the report of the Advisory Committee, the Commissioner of Food and Drugs has concluded that it is necessary for the protection of users that the label and labeling of all acetophenetidin (phenacetin)—containing preparations bear a warning statement to the following effect: "Warning—This medication may damage the kidneys when used in large amounts or for a long period of time. Do not take more than the recommended dosage, nor take regularly for longer than 10 days without consulting your physician."

2. Section 131.15 is amended by inserting, alphabetically, new items as follows:

§ 131.15 Drugs for human use; recommended warning and caution statements.

Acetophenetidin-containing preparations. (See § 3.37 of this chapter.)

Warning—This medication may damage the kidneys when used in large amounts or for a long period of time. Do not take more than the recommended dosage, nor take regularly for longer than 10 days without consulting your physician.

Phenacetin-containing preparations. (See Acetophenetidin.)

Effective date. This order shall become effective 60 days from the date of its publication in the FEDERAL REGISTER.

(Secs. 502(f) (2), 701(a), 52 Stat. 1051, 1055; 21 U.S.C. 352(f) (2), 371(a))

Dated: July 31, 1964.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 64-7948; Filed, Aug. 6, 1964; 8:47 a.m.]

PART 131—INTERPRETATIVE STATEMENTS RE WARNINGS ON DRUGS AND DEVICES FOR OVER-THE-COUNTER SALE

Scopolamine and Scopolamine Aminoxide Preparations for Insomnia; Revised Warning on Over-the-Counter Drugs

The Food and Drug Administration has received complaints that one of the two alternative warnings recommended in § 131.15 for scopolamine preparations offered for insomnia does not contain a specific warning regarding use in glaucoma and therefore does not meet the requirement that labeling bear adequate warnings in a manner and form necessary for the protection of users. Based on these complaints, these warning statements have been reevaluated, and it has been determined that a specific reference to glaucoma is necessary on all

such labeling. Further, the retention of the reference to elderly persons is considered necessary in view of the higher incidence of glaucoma cases among the aged and the possibility that such cases are undiagnosed. The recommended warning statement is therefore revised as set forth below to assist industry in preparing proper labeling for over-the-counter preparations for insomnia which contain scopolamine or scopolamine aminoxide.

Therefore, in accordance with the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502(f) (2), 701(a), 52 Stat. 1052, 1055; 21 U.S.C. 352(f) (2), 371(a)), and delegated by the Secretary of Health, Education, and Welfare to the Commissioner of Food and Drugs (21 CFR 2.90; 29 F.R. 471), § 131.15 is amended by revising the warning statement for the subject preparations to read as follows:

§ 131.15 Drugs for human use; recommended warning and caution statements.

Belladonna preparations * * *

Scopolamine or scopolamine aminoxide preparations for insomnia should include the following warning or its equivalent:

Warning—Not to be used by persons having glaucoma or excessive pressure within the eye, by elderly persons (where undiagnosed glaucoma or excessive pressure within the eye may be present), or by children under 12 years of age, unless directed by a physician.

In addition to this statement, the following or its equivalent should be included:

Notice and public procedure are not necessary prerequisites to the issuance of this order, and I so find, since the statute provides that the labeling of drugs shall bear "adequate warnings against use in those pathological conditions * * * where its use may be dangerous to health," and the clinical history of the drugs named is such that the revised warning is deemed necessary for the protection of the public health.

Effective date. In order to permit adequate time for the drug industry to effect necessary relabeling or changes in labeling of the affected drugs, no action will be taken under the misbranding provisions of section 502(f) (2) of the Federal Food, Drug, and Cosmetic Act for a period of 90 days from the date of publication of this order.

(Secs. 502(f) (2), 701(a), 52 Stat. 1052, 1055; 21 U.S.C. 352(f) (2), 371(a))

Dated: July 31, 1964.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 64-7949; Filed, Aug. 6, 1964; 8:47 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter II—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 3426]

[Arizona 034050]

ARIZONA

Modification of Departmental Order of August 19, 1941, Which Withdrew Lands for Stock Driveway

By virtue of the authority contained in section 10 of the Act of December 29, 1916 (39 Stat. 865; 43 U.S.C. 300), it is ordered as follows:

The Departmental Order of August 19, 1941, which withdrew certain lands for stock driveway purposes as Stock Driveway Withdrawal No. 56, Arizona No. 2, is hereby modified to the extent necessary to permit the granting of a highway right-of-way over the SW $\frac{1}{4}$ SE $\frac{1}{4}$, section 27, T. 9 N., R. 2 E., Gila and Salt River Meridian containing 0.772 acre under section 2477, United States Revised Statutes (43 U.S.C. 932), to Yavapai County, Arizona, for the construction of a road as delineated on a map on file with the Bureau of Land Management, in Arizona 034050, subject to the condition that the construction, operation, and maintenance of the road shall not interfere with the use of the driveway for movement of livestock.

JOHN A. CARVER JR.,
Assistant Secretary of the Interior.

JULY 31, 1964.

[F.R. Doc. 64-7938; Filed, Aug. 6, 1964; 8:46 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket Nos. 14229, 14970; FCC 64-770]

PART 73—RADIO BROADCAST SERVICES

UHF Television Channels

In the matter of fostering expanded use of UHF Television Channels, Docket No. 14229; amendment of § 73.606, table of assignments, Television Broadcast Stations (Hanover, N.H.); Docket No. 14970.

Supplement to the Third Report and Order. 1. In the Third Report and Order issued in this proceeding on July 10, 1964, we adopted a procedure whereby we could finalize certain proposals contained in the Table of Assignments in the further notice of proposed rule making, FCC 63-975, issued on October 28, 1963 in this proceeding. We con-

cluded that the public interest, where inauguration of a new UHF service might be delayed by waiting until resolution of this overall proceeding, lies in making final UHF assignments where it can be done without significantly impairing our ability to develop an adequate overall plan.¹ We made ten such assignments in the Third Report and Order; in seven other situations discussed herein, it likewise appears appropriate. These assignments are of course subject to the language of paragraph 4 of the Third Report:

"Such action will remove the uncertainty as to the status of UHF assignments in the selected communities so that applications may be granted and construction begun on new UHF facilities. Where such prior action is taken and no application is filed for the channel by the time we are ready to prepare a final overall Table of Assignments, the channel may be removed or placed in some other city, if necessary. In addition, if a construction permit is granted pursuant to such prior action and the permittee fails to construct the authorized facility or the construction has not reached a stage where a change in channel assignment would add substantially to the cost of the station and the Commission finds that deletion of the channel or substitution of another channel will aid in the preparation of a final Table of Assignments, appropriate action to delete or change the channel will be taken."

2. Santa Barbara, Calif.: At the present time Channels 3, 20, and 26 are assigned to Santa Barbara. Station KEYT operates on Channel 3 and the Santa Barbara Educational Television has an application on file for Channel 20, presently not reserved for noncommercial educational use. In this proceeding we have proposed the retention of Channels 3 and 26 for commercial use but have proposed to reserve Channel 20 for educational purposes. NAEB has proposed in its plan Channels 3, 20, 36, 61 for commercial use and Channel *14 for educational use. No oppositions were filed to the Commission's proposal. We have explained in the Third Notice that the NAEB plan cannot be considered to be an adverse comment even though it proposes different channels, except in those cases where the adoption of one of the Commission's proposed assignments would preclude the assignment of a channel in a community selected by NAEB. In this case NAEB proposed Channel 14 and we have proposed Channel 20 to be reserved for education in Santa Barbara. In order to permit the initiation of educational UHF service in the area at the earliest possible date we believe the public interest would be served by adoption of our proposal at this time. This would permit the granting of the pending application for Channel 20 in Santa Barbara since it would enable the applicant to obtain funds from the Department of

Health, Education, and Welfare, as provided for under the existing statute governing educational TV stations.

3. Austin, Texas: Austin is assigned Channels 7, *18, 24, and 67 with Channel 18 reserved for noncommercial educational use. Station KTBC-TV operates on Channel 7 and construction permits are outstanding for Channels 24 and 67, KVET-TV and KTXN, respectively. In our proposal in Docket No. 14229 we proposed the additional UHF assignment of Channel 42 to Austin. The NAEB plan would assign Channels 7, 24, *48, 67, *73, and *83 to Austin, with Channels 48, 73, and 83 reserved for noncommercial educational use.

4. The only party to file comments concerning Austin in this proceeding, other than NAEB, was The Southwest Republic Corporation, permittee of Station KTXN on Channel 67 at Austin. Southwest requested the reservation of Channel 42 in lieu of Channel 18 and the issuance of a Show Cause Order to it as to why its outstanding authorization for Station KTXN should not be modified to specify operation on Channel 18 in lieu of 67. Southwest also filed a separate petition for rule making asking the same relief, RM-613, at the same time. However, on June 25, 1964 Southwest requested the Commission to dismiss both its request in RM-613 and its request for a Show Cause Order. Southwest now requests that Channel 42 be made final and that it be assigned to KTXN.

5. Southwest urges that the addition of a lower UHF channel in Austin will enhance the competitive situation in that city; that it would provide the public with diversity in programming and that it would assist the station in obtaining a national affiliation. Southwest further states that it is anxious to bring a UHF television service to the area and intends to proceed with construction within the shortest possible time.

6. The Commission is of the view that the addition of Channel 42 to Austin will serve the public interest and that it would not hinder in the development of a satisfactory nationwide UHF plan. In order to bring this service to the area as soon as possible we are modifying the outstanding construction permit for KTXN to specify operation on Channel 42 in lieu of 67. NAEB has requested the reservation of three UHF channels. We are in this Order continuing the reservation of 18 to Austin however we are deferring temporarily action on the request to reserve two additional channels inasmuch as there appears to be no immediate prospect of their utilization.

7. Olney, Illinois: In the existing Table Channel 16 is the only channel assigned to Olney, Ill. The Commission's proposed assignment plan (Third Report and Order Docket 14229) reserves Channel 16 for noncommercial educational use.

8. Southern Illinois University has filed comments supporting the Commission's proposed reservation of Channel 16 at Olney, and is presently preparing an application for the proposed facility in order to satisfy the educational needs in the Olney-Newton area of Illinois.

9. The Office of the Superintendent of Public Instruction of the State of Illinois prefers the NAEB assignment plan for Illinois which would assign Channel 26 to Olney; however, should the Commission adopt its own proposal, the Office of the Superintendent would support this action.

10. There are no applications on file for the unreserved Channel 16 assignment at Olney. Since an educational need exists in the Olney area of southern Illinois, and because an applicant is prepared to satisfy this need, the Commission believes it is in the public interest to reserve Channel 16 for noncommercial educational use at this time.

11. Hanover and Lebanon, N.H.: In the present Table Channel *20 is assigned to Hanover and is reserved for educational use. Lebanon, about 7 miles from Hanover, has no assignment. On February 21, 1963, the Commission invited comments on three alternative proposals to make a commercial UHF assignment available to Hanover or Lebanon. See notice of proposed rule making in Docket No. 14979, FCC 63-180. The first alternative requires the removal of the reservation from Channel 20, the second would require the deletion of Channel 24 from Littleton, N.H. and Channel 39 from Glens Falls, N.Y., and the third would add Channel 74 to Hanover. Under the "15 mile rule" a channel assigned to Hanover would be available by application to Lebanon. Oppositions to alternatives 1 and 2 were filed by the University of New Hampshire, NAEB, Trustees of Dartmouth College, New York State Board of Regents, and Eastern Educational Network. These parties in general support the third alternative, the assignment of Channel 74 to Hanover but urge the retention of Channel 20 in Hanover and 24 in Littleton. They contend that these assignments are necessary to the plans for a statewide educational network. Springfield Television Broadcasting Corp. advances a counterproposal which would delete a UHF assignment in Providence, R.I., and Burlington, Vt., and require a change in the assignment for its station at Greenfield, Mass., but which provides a low channel for Lebanon for commercial use. Upper Valley Television Broadcasters, Inc. urges the adoption of alternatives 1 or 2 but opposes the third and states that it would not seek to build a UHF station on such a high UHF channel in the rugged area involved. The University of Maine suggests that Channel 53 be assigned to Hanover and Channel 21 to Portland, Maine.

12. In this proceeding we have proposed Channels *20 and 49 for Hanover, with Channel 20 reserved for education. This would make Channel 49 available to Lebanon since it is within 15 miles of Hanover. NAEB in its plan proposes to assign and reserve for educational use Channel *28 in Hanover. The University of New Hampshire supports the assignment for Hanover of Channel 20 and its reservation (as well as the assignment and reservation of Channel 45 at Keene and 24 at Littleton). Likewise the Trustees of Dartmouth College sup-

¹There are some of the more populous areas of the country where such action is not appropriate at this time, although further study may shortly disclose possibilities in some of these areas.

port the proposed Hanover reservation. The University of Vermont opposes the proposed substitution of Channel *75 for *49 at Rutland, Vermont. This change was proposed by the Commission in order to permit the assignment of Channel 49 in Hanover. The University urges that Channel 49 be retained at Rutland, as a needed portion of a statewide educational plan for Vermont or that a comparable low channel be substituted for it. Wallace W. Collins urges the assignment of Channel 26 to the Lebanon area but makes no showing as how this can be done.

13. We have carefully considered all the comments and reply comments filed by interested parties in this matter, both from the commercial and the educational point of view. We appreciate the needs of the educators for statewide networks and their desire for the lower UHF channels especially in area of rugged and mountainous terrain. We believe however, that the proposal we have made in this proceeding strikes a good balance between the needs of the commercial broadcasters and those of the educators. In the Hanover-Lebanon area there has been a need and demand for a commercial station for a number of years. At the present time there is an application which has been tendered for filing on July 17, 1964 by the Upper Valley Television Broadcasters, Inc., for Channel 49 at Lebanon. Our proposal leaves a low Channel for education in Hanover, as well as in Littleton, N.H., and Windsor, Vt. The assignment of Channel 49 in Hanover does require the substitution of Channel *75 for Channel *49 in Rutland, Vt. However, every effort will be made to find a lower channel for this community before a final plan is adopted. In order to expedite the inauguration of a new and needed UHF service in the Hanover-Lebanon area we are finalizing the proposed assignments in Hanover and Rutland at this time. We are rejecting the counterproposal of Springfield since it would require the deletion of two UHF assignments and would have no appreciable advantages over the Commission's proposal.

14. San Diego, Calif.: San Diego, Calif. is assigned VHF Channels 8 and 10 and UHF Channels *15, 39 and 51 in the present Table of Assignments in § 73.606 of our rules. On June 21, 1963, San Diego Telecasters, Inc., filed an application (BPCT-3208) for authority to construct a new commercial television broadcast station on Channel 39 in San Diego.

15. The Commission has proposed in Docket No. 14229, to continue the assignment of Channels *15, 39 and 51 and to add two new channels, 69 and 78. The NAEB plan proposes the continued assignment of Channels 15 and 39 with both being reserved for educational use and the addition of Channels 22 and 54 for commercial use and Channel 63 as a third educational reservation. Comments of the Television Advisory Committee for the State of California, generally supported the NAEB plan without specifically mentioning San Diego, on the grounds that it provides more edu-

cational channels than does the FCC proposal.

16. On May 4, 1964, Gross Broadcasting Company filed an application (BPCT 3346) for authority to construct a new television broadcast station on Channel 51 in San Diego. Action on that application has been held in abeyance pending a review of the comments filed in Docket No. 14229. We now have the prospect of the early inauguration of two commercial UHF television services in San Diego. We believe that the public interest will best be served by adopting our proposal to continue the assignment of Channels 39 and 51 as unreserved assignments in San Diego. This conflicts with the NAEB proposal insofar as it proposed the reservation of Channel 39. However, this action does not constitute a denial of the request for the reservation of more than one channel for educational use in San Diego. The continued assignment of Channel 51 to San Diego, while not proposed by NAEB, does not conflict in any way with their proposal. Therefore, pursuant to the policy set forth in the Third Report and Order in Docket No. 14229 we are adopting herewith that portion of the proposal in Docket No. 14229 to continue the assignment of Channels 39 and 51 to San Diego. We are making no decision at this time as to other UHF channel assignments to that city.

17. Portsmouth, Ohio. Portsmouth, Ohio, is assigned Channel 30 in the present Table of Assignments in § 73.606 of our rules. On December 14, 1962, the Ohio Educational Television Network Commission (OETNC) filed a petition (RM-396) requesting amendment of the Table of Assignments to provide additional UHF television channels reserved for educational use in the State of Ohio. Among the reservations requested was that of the single UHF channel in Portsmouth. The petition proposed no replacement for the unreserved channel.

18. On October 24, 1963, the Commission adopted a further notice of proposed rule making in Docket No. 14229 proposing an extensive revision of its Table of Assignments for UHF channels. The proposed amendment would retain Channel 30 in Portsmouth as an unreserved channel and add Channel 61 as an educational reservation. On that same date, Reynard L. Osborne filed an application (BPCT-3261) to construct a new commercial television broadcast station on Channel 30 in Portsmouth. Action on this application has been held in abeyance pending receipt and review of the comments and reply comments with respect to the proposed revision of the UHF Table.

19. The NAEB proposal would assign Channels 19, 46 and 70 to Portsmouth. Channel 19 would be reserved for educational use. The Ohio Educational Television Network Commission filed comments in Docket No. 14229 supporting the NAEB proposal for Portsmouth simply because it provided two instead of one commercial channels. Their support for the overall NAEB plan was based similarly on grounds that it provided more channels than did the FCC proposal.

20. Pursuant to the policy announced in the Third Report and Order in Docket No. 14229 we find that the continued assignment of Channel 30 to Portsmouth, Ohio, as an unreserved channel will foster the expanded use of UHF channels in view of the fact that an applicant is prepared to proceed promptly with the construction and operation of a new commercial UHF television broadcast station in that city. While this decision conflicts with the NAEB proposal to assign Channel 23 to Ashland, Kentucky and Channel 29 to Morehead, Kentucky, this does not mean that suitable channels cannot be found for those two communities nor does it constitute a denial of the remainder of the NAEB proposal. This decision is not prejudicial to the MPATI proposal for airborne educational television since the channel involved is not among those directly concerned in the MPATI proposal and is so far removed that indirect effects are likely to be minimal. We are taking no action at this time with respect to our proposal to add Channel 61 as a reserved assignment to Portsmouth since there are no plans for the immediate construction and operation of an educational TV station in Portsmouth and the final plan adopted by the Commission may require the assignment of some other channel for educational use in that city. This is not to be considered to be a denial of the petition of OETNC for a reserved channel in Portsmouth.

21. Cleveland, Ohio. The present Table of Assignments specifies Channels 3, 5, 8, 19, *25, and 65 for Cleveland, with Channel *25 reserved for educational use. The Educational Television Association of Metropolitan Cleveland has filed an application for Channel *25, BPET-190. This applicant is now awaiting funds from the Department of Health, Education, and Welfare. Competing applications are on file for Channels 19 and 65, the remaining UHF channels, and these have been designated for comparative hearings. We have proposed in this proceeding to assign the same channels as are in the present table to Cleveland. The NAEB in its plan proposes the assignment of UHF Channels *25, 41, and *51 to this city with Channels 25 and 51 reserved for noncommercial educational purposes. The Ohio Educational Television Network Commission opposes the deletion of a commercial channel in Cleveland. It does support the amended NAEB plan which would provide two commercial and two educational assignments in Cleveland.

No oppositions were filed to the assignment and reservation of Channel 25. Other proposals submitted in this proceeding such as the NAEB proposal to assign another educational channel to Cleveland and the proposal to assign Channel 31 to Cleveland by deleting it from Lorain do not affect the proposal made by the Commission to retain Channel 25 in Cleveland for educational use. Finalizing this assignment would remove the uncertainty concerning the status of this channel, would expedite the granting of funds by HEW and the commencement of an educational television service in the UHF band in Cleve-

RULES AND REGULATIONS

land. We are therefore of the view that this action would serve the public interest. We are not taking action at this time on our own or other proposals with regard to the other UHF assignments in Cleveland; nor do we believe that the adoption of this portion of our proposal with respect to Cleveland will prejudice any action we may take with respect to the remaining assignments or proposed assignments of other parties including MPATI.

22. Authority for the adoption of the amendments herein is contained in sections 4(d), 303, and 307(b) of the Communications Act of 1934, as amended.

23. In view of the foregoing: *It is ordered*, That effective September 8, 1964, Section 73.606 of the Commission's rules and regulations is amended insofar as the communities named are concerned to read as follows:

City	Channel No.
Santa Barbara, Calif.	3-, *20, 26
Olney, Ill.	*16-
Austin, Tex.	7+, *18-, 24, 42-, 67
Hanover, N.H.	*20+, 49+
Rutland, Vt.	*75+, 81+

24. *It is further ordered*, That, effective September 8, 1964, and pursuant to section 316(a) of the Communications Act of 1934, as amended, the outstanding construction permit held by Southwest Republic Corporation for television Station KTXN is modified to specify operation on Channel 42 in lieu of Channel 67, subject to the following conditions:

(a) The licensee shall inform the Commission in writing by August 20, 1964, of its acceptance of this modification.

(b) The licensee shall submit to the Commission by August 20, 1964, the tech-

nical information normally required for the issuance of a construction permit for operation on Channel 42, including any changes in antenna and transmission line.

(Secs. 4, 303, 307, 48 Stat. 1036, as amended, 1082, as amended, 1083; 47 U.S.C. 154, 303, 307)

Adopted: July 29, 1964.

Released: August 3, 1964.

FEDERAL COMMUNICATIONS
COMMISSION,²

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64-7958; Filed, Aug. 6, 1964;
8:49 a.m.]

² Commissioner Cox abstaining from voting; Commissioner Loevinger absent.

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 948]

IRISH POTATOES GROWN IN COLORADO—AREA NO. 3

Proposed Expenses and Rate of Assessment

Notice is hereby given that the Secretary of Agriculture is considering approval of the expenses and rate of assessment, hereinafter set forth which were recommended by the area committee for Area No. 3 established pursuant to Marketing Agreement No. 97, as amended, and Order No. 948, as amended (7 CFR Part 948). This marketing order regulates the handling of Irish potatoes grown in the State of Colorado and is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674).

All persons who desire to submit written data, views, or arguments in connection with these proposals shall file the same, in quadruplicate, with the Hearing Clerk, United States Department of Agriculture, Room 112, Administration Building, Washington, D.C., 20250, not later than the 15th day after the publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

§ 948.246 Expenses and rate of assessment.

(a) The reasonable expenses that are likely to be incurred by the area committee for Area No. 3, established pursuant to Marketing Agreement No. 97 and Order No. 948, both as amended, to enable such committee to perform its functions pursuant to the provisions of the aforesaid amended agreement and order during the fiscal period ending May 31, 1965, will amount to \$4,400.00.

(b) The rate of assessment to be paid by each handler in Area No. 3 pursuant to Marketing Agreement No. 97 and Order No. 948, both as amended, shall be \$0.002 per hundredweight of potatoes handled by him as the first handler thereof during said fiscal period.

(c) Terms used in this section shall have the same meaning as when used in Marketing Agreement No. 97, as amended, and this part.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: August 4, 1964.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 64-7954; Filed, Aug. 6, 1964; 8:48 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 87]

[Docket No. 15599; FCC 64-776]

TRANSMITTERS USED AT AIRCRAFT SURVIVAL STATIONS

Notice of Proposed Rule Making

In the matter of amendment of Part 87 of the Commission's rules to exempt transmitters used at aircraft survival stations from type acceptance procedures; Docket No. 15599, RM-479.

1. Notice is hereby given of proposed rule making in the above entitled matter.

2. The present proposal is based upon the Petition for Rule Making (RM-479) filed by Aeronautical Radio, Inc. (ARINC) and the Air Transport Association of America (ATA) as amended by letter dated July 22, 1964. It is proposed to amend Part 87 of the Commission's rules to exempt certain transmitters used only during emergency or distress from the requirement of type acceptance.

3. Section 87.77(b) requires, in general, that all transmitters used in the aviation services after January 1, 1965, must be of a type which has been type accepted by the Commission. There are exceptions in the rules for developmental, flight test and Civil Air Patrol stations.

4. In the case of survival craft transmitters, type accepted equipment did not become available until late July of 1964. To require type accepted equipment for this class of station would require, in effect, a change of all survival craft transmitters currently in use. Petitioners assert that there are available, and in use, large numbers of excellent nontype accepted equipment such as: (1) AN/CRT3 (Gibson Girl); (2) Telephonic PRC-17; (3) Philharmonic Radio and Television Corp. AN/URC14; and (4) Granger Associates Model 117. Petitioners further assert that in view of the very nature of this type of equipment which is used only in emergency or distress situations, the present requirement for type acceptance would have little, if any, applicability in promoting the objectives of type acceptance.

5. In view of the late availability of type accepted equipment, together with the nature of its use, the Commission feels that rule making looking toward providing an exemption for nontype accepted survival equipment in use prior to January 1, 1965 is warranted.

6. This proposed amendment is issued pursuant to authority contained in sections 303 (e), (f), and (r) of the Communications Act of 1934, as amended.

7. Pursuant to applicable procedures set forth in § 1.415 of the Commission's rules, interested persons may file com-

ments on or before September 8, 1964, and reply comments on or before September 18, 1964. All relevant and timely comments and reply comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision in this proceeding, the Commission may also take into account other relevant information before it, in addition to the specific comments invited by this notice.

8. In accordance with the provisions of § 1.419 of the Commission's rules, an original and 14 copies of all statements, briefs or comments filed shall be furnished the Commission.

Adopted: August 3, 1964.

Released: August 4, 1964.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

1. Section 87.73(a) is amended to read as follows:

§ 87.73 Modulation requirements.

(a) When double sideband full carrier amplitude modulation is used for telephony, the modulation percentage shall be sufficient to provide efficient communication and shall normally be maintained above 70 percent on peaks but shall not exceed 100 percent: *Provided, however,* That this requirement does not apply to transmitters carried aboard aircraft in such a manner as to be available for use only under emergency and distress conditions for survival purposes.

2. Section 87.77(b) is amended and a new § 87.77(d) is added to read as follows:

§ 87.77 Acceptability of transmitters for licensing.

(b) Except as provided in paragraph (d) of this section, each transmitter used in the Aviation Services must be of a type which has been type accepted by the Commission for use in these services: *Provided, however,* That until January 1, 1965, types of equipment in use by a licensee prior to July 1, 1959 may continue to be used by the same licensee, his successors or assigns.

(d) The following exceptions to the provisions of paragraph (b) of this section are provided on the express condition that the operation of stations using transmitting equipment not type accepted by the Commission shall not result in harmful interference due to the failure of such equipment to comply with the current technical standards of Subpart A of this part.

(1) Type accepted equipment is not required at developmental stations.

(2) Type accepted equipment is not required at Civil Air Patrol stations.

(3) Equipment not type accepted may be used at flight test stations for limited periods where justified on the basis of good cause shown.

(4) Equipment which is to be used exclusively under emergency and distress conditions for survival purposes and which is carried aboard aircraft in such a manner as to only be available under these conditions need not be type accepted by the Commission if it is a type in use prior to January 1, 1965.

[F.R. Doc. 64-7960; Filed, Aug. 6, 1964; 8:49 a.m.]

INTERSTATE COMMERCE COMMISSION

[49 CFR Part 91]

[Ex Parte 243]

INSPECTION AND TESTING OF OTHER THAN STEAM LOCOMOTIVES

Notice of Proposed Rule Making

At a session of the Interstate Commerce Commission, Division 3, held at its Office in Washington, D.C., on the 27th day of July A.D. 1964.

It appearing, that by a petition, filed May 28, 1964, by the Association of American Railroads to which several railway labor organizations filed a joint reply seeking dismissal of the petition, petitioner seeks the institution of an investigation for the purpose of amending the rules and instructions for inspection and testing of locomotives other than steam (49 CFR 91.200-91.337) looking principally to the modification of rules governing steam generators on diesel locomotives by amending Rules 201(b), 208(a), 208(b), 212(c), 212(d), 247(b), 254, 256(b), 300, 303(b), 307(a), 307(c), 308(a), 308(b), 309(a), 309(b), 315(a), 315(b), 315(c), 315(d), 316(a), 316(b), 317(a), 317(b), 317(c), 317(d), 317(e), 317(i), 320(a), 320(b), 321(a), 321(b), 321(d), 321(e), 323(b), 323(c), 325, 326, 327(a), 327(b), 330, 331(a), 331(b), 331(c), 331(d), and 333; by canceling Rules 212(e) to 226(g) inclusive, 228(c), 231, 260, 317(h), 328(a), 328(b), and 334; and by adding Rules 206(c), 208(c), 208(d), 263(a), 263(b), 264, 265, 266, 267, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, and 527; and good cause appearing therefor:

It is ordered, That pursuant to section 4(a) of the Administrative Procedure Act (60 Stat. 237, 5 U.S.C. 1003) notice is hereby given of the Commission's proposal to consider the changes indicated in the preceding paragraph.

It is further ordered, That any interested person may, on or before September 15, 1964, file written views, arguments or suggestions to be considered in this connection and may request oral argument thereon.

It is further ordered, That one signed copy and 14 additional copies of such written views, arguments or suggestions be furnished for the use of the Commission by mailing to the Secretary of the

Interstate Commerce Commission, Washington, D.C., 20423.

And it is further ordered, That notice to the general public will be given by depositing a copy of this notice in the Office of the Secretary of the Interstate Commerce Commission, Washington, D.C., and by filing a copy with the Director, Office of the Federal Register.

By the Commission, Division 3.

[SEAL] HAROLD D. McCoy,
Secretary.

[F.R. Doc. 64-7940; Filed, Aug. 6, 1964; 8:46 a.m.]

SMALL BUSINESS ADMINISTRATION

[13 CFR Part 107]

SMALL BUSINESS INVESTMENT COMPANIES

Conflicts of Interest

Notice is hereby given that pursuant to authority contained in sections 308 and 312 of the Small Business Investment Act of 1958, Public Law 85-699, 72 Stat. 694, as amended, it is proposed to amend, as set forth below, § 107.716 of Part 107 of Subchapter B, Chapter I of Title 13 of the Code of Federal Regulations, as revised in 27 F.R. 9743-9754, and amended in 28 F.R. 681, 1627, 3021, 10868, 12250, and 29 F.R. 5223, 7144, 10499. Prior to the final adoption of such amendment, consideration will be given to any comments or suggestions pertaining thereto which are submitted in writing, in triplicate, to the Investment Division, Small Business Administration, Washington 25, D.C., within a period of thirty days of the date of this notice in the FEDERAL REGISTER.

Information. The Small Business Investment Act Amendments of 1963 Public Law 88-273, 78 Stat. 147, approved February 28, 1964, added a new section 312 to the Act requiring the issuance of regulations to control conflicts of interest and provide for public disclosure of such transactions.

In the judgment of the Administration, the proposed revisions under consideration embody a fair and orderly system of effectively controlling conflicts of interest, including self-dealing and cross-dealing situations. They are addressed to those practices which, according to SBA's experience in this area, are of paramount significance in connection with continuing efforts made to eliminate conflict of interest transactions which are clearly inconsonant with the purposes of the Act.

Amended § 107.716 now under consideration describes more clearly the specific types of conflict of interest transactions covered by the regulation. The present prohibition against self-dealing to the prejudice of SBA and a Licensee's shareholders is retained in § 107.716(a). Proposed § 107.716(b) imposes controls over a wide range of conflict of interest or self-dealing situations which, under § 107.716(b) (1), would require prior SBA approval. Certain others deemed to be

of lesser consequence to the program are subject to § 107.716(b) (2) (ii) and (iii). A Licensee's total investments in either one or both categories may not at any time exceed the limitation prescribed in § 107.716(b) (2).

Section 107.716(c) would broaden the present requirement for prior approval on borrowing by Licensees and affiliated personnel to include borrowing from concerns financed by any Licensee. Section 107.716(d) would prohibit joint financing between Licensees and closely affiliated personnel, unless prior approval is obtained. Joint financing between a Licensee and a state or national bank is excepted.

The bases upon which SBA would accord favorable consideration to a transaction submitted for its prior approval are provided for in § 107.716(e). Proposed publication requirements are included in § 107.716(f). A conditional exemption in favor of Licensees which are also registered investment companies subject to SEC jurisdiction is provided for in § 107.716(g). Proposed § 107.716(h) would prohibit certain finder's fees. Section 107.716(i) carries over an existing provision of the regulations recognizing that a Licensee may designate a representative to serve as an officer, director, or otherwise in the management of a small business concern for the purpose of protecting its investment.

The applicability of the proposed regulation to future transactions as well as the retention of existing portfolio securities falling within the purview thereof is provided for in § 107.716(j).

It is proposed to amend the Regulations Governing Small Business Investment Companies by deleting § 107.716 in its entirety and substituting a new § 107.716. As amended, § 107.716 will read as follows:

§ 107.716 Conflicts of interest.

(a) **General.** Self-dealing to the prejudice of SBA or the Licensee's shareholders is prohibited.

(b) **Financing by licensees—**(1) **Prior approval required.** Without prior written approval of SBA, a Licensee shall not, directly or indirectly, provide financing to:

(i) Any officer, director or investment adviser of any Licensee; or

(ii) Any person or entity (or group of two or more persons or entities acting in concert) which owns or controls, directly or indirectly, 10 or more percent of the stock of any Licensee; or

(iii) Any close relative or business associate of any of the persons or entities described in subdivisions (i) and (ii) of this subparagraph; or

(iv) Any concern in which any of the persons or entities described in subdivisions (i), (ii) and (iii) of this subparagraph is an officer, director, or substantial creditor, or owns or controls, directly or indirectly, 10 or more percent equity interest; or

(v) Any person or entity which has held any of the relationships described in subdivisions (i) through (iv) of this subparagraph within six months prior to the date of the financing.

(2) *Limitation on investments.* The maximum amount of funds which a Licensee may invest, directly or indirectly, in all concerns described below shall not at any time exceed 25 percent of its total assets:

(i) Concerns financed by it, with SBA approval, under subparagraph (1) of this paragraph; and

(ii) Concerns in which any person or entity (or group of two or more persons or entities acting in concert) which owns or controls, directly or indirectly, 10 or more percent of the stock of any Licensee also owns or controls, directly or indirectly, an equity interest of 5 percent or more, and any close relative or business associate of any of the foregoing; and

(iii) Concerns in which any person or entity (or group of two or more persons or entities) which owns or controls, directly or indirectly, 5 or more percent of the stock of any Licensee also owns or controls, directly or indirectly, a 10 or more percent equity interest, or is a substantial creditor, and any close relative or business associate of any of the foregoing.

Subdivisions (ii) and (iii) of this subparagraph shall apply to persons or entities which have held any of the relationships described therein at any time within six months prior to the date of financing.

(c) *Borrowing.* Without prior written approval of SBA, no Licensee nor any of the persons or entities described in paragraph (b) (1) of this section shall directly or indirectly, borrow money from a concern financed by any Licensee, or from any officer or director of or owner of 10 or more percent equity interest in such concern, or any close relative or business associate of any of the foregoing.

(d) *Joint financing.* Without the prior written approval of SBA, no officer, director, investment adviser, person, or entity which owns or controls, directly or indirectly, 10 or more percent of the stock of a Licensee, or any close relative or business associate thereof, shall directly or indirectly enter into a joint financing with such Licensee nor shall they directly or indirectly provide financing to any concern financed by such

Licensee: *Provided, however,* That the foregoing shall not apply to any joint financing between a Licensee and a State or national bank.

(e) *Basis of SBA approval.* SBA will not approve any transaction under this section unless it finds that (1) the transaction shall have been approved by a sufficient number of the Licensee's directors, not associated with the concern under paragraph (b) (1) of this section, to constitute a majority of the entire board of directors; (2) the general terms and conditions upon which such transaction is to be made are fair and no less favorable to the Licensee than to other participants, and no less favorable to the Licensee than those offered or negotiated by it with other small business concerns; and (3) such transaction is in furtherance of the purposes of the Act.

(f) *Publication.* Whenever a transaction is approved or disapproved under this section, SBA shall promptly notify the Licensee in writing. SBA shall cause to be published in a monthly bulletin to be issued by SBA a summary describing the terms of the transaction, the nature of the association requiring the application for approval, and findings made by SBA in connection with its approval or disapproval. Within ten days after entering into any transaction approved by SBA (or exempted by SEC in instances covered by paragraph (g) of this section), the Licensee shall publish in a newspaper of general circulation, in the locality most directly affected by such transaction, a notice specified by SBA describing the transaction in question and shall furnish SBA with a copy of such notice within 10 days of publication.

(g) *1940 Act companies exempted.* Licensees subject to the regulatory jurisdiction of the Securities and Exchange Commission under the Investment Company Act of 1940 which have applied to that Commission for an order exempting a proposed transaction (otherwise subject to this section) from the applicable provisions of that Act shall be exempt from the provisions of this section, except for the publication requirements under paragraph (f) of this section. When SEC has acted on such application, the Licensee shall promptly furnish SBA with a copy of the application and of the order issued.

(h) *Finder's fees.* No employee, officer, director, or investment adviser of a Licensee or a close relative or business associate thereof, or a person regularly serving it in the capacity of attorney-at-law, may receive from a small business concern financed by the Licensee, or from any source other than the Licensee, directly or indirectly, any fee, compensation, or anything of value in connection with procuring of financing from such Licensee.

(i) *Protection of investment.* Nothing herein contained is intended to preclude a Licensee from permitting an officer, employee, or representative from serving as a director, officer, or in any other capacity in the management of a small business concern for the purpose of protecting its investment in or loan to such concern.

(j) *Applicability.* (1) In addition to applying to transactions occurring after August 7, 1964 (date of publication of this proposal), the provisions of this section shall apply to the retention of portfolio securities previously acquired and owned by Licensee on such date and to the continued performance of transactions which fall within the purview thereof. It shall be the duty of all Licensees and other persons or entities affected to bring themselves into conformity with said provisions within a reasonable period of time and to report thereon promptly to SBA.

(2) In accordance with instructions to be issued by SBA, every Licensee shall submit by October 31, 1964 a special report as of September 30, 1964 containing a description of any portfolio securities or transactions which fall within the purview of paragraphs (b), (c), and (d) of this section. The report shall include a proposed plan of action that will assist SBA in determining a fair method and reasonable period of time in which the Licensee and other persons or entities affected shall bring themselves into conformity with the required approval and maximum limitation requirements of this section.

Dated: August 3, 1964.

EUGENE P. FOLEY,
Administrator.

[F.R. Doc. 64-7943; Filed, Aug. 6, 1964; 8:47 a.m.]

Notices

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[BLM 073814]

ARKANSAS

Termination of Proposed Withdrawal and Reservation of Land

AUGUST 3, 1964.

Notice of an application, serial No. BLM 073814 for withdrawal and reservation of lands from appropriation under the public land laws, was published as FEDERAL REGISTER Document No. 63-12789 on page 13403 of the issue for Wednesday, December 11, 1963. The applicant agency has cancelled its application insofar as it involved the lands described below. Therefore, pursuant to the regulations contained in 43 CFR Part 2311, formerly 43 CFR Part 295, such lands will be at 10 a.m. on August 10, 1964, relieved of the segregative effect of the above-mentioned application.

The land involved in this notice is:

FIFTH PRINCIPAL MERIDIAN (CRAIGHEAD COUNTY)

T. 14 N., R. 6 E.,

Sec. 25, a portion of lot 3, that lies south and west of the existing levee right-of-way and more particularly described as follows:

Beginning at the southwest corner of lot 3; thence along the west line of lot 3 north 200 feet; thence along the levee right of way line south 68°30' east 215 feet, south 36° east 169.9 feet; thence along the south line of lot 3 west 302.9 feet to the point of beginning.

The area described contains 0.9 of an acre.

DORIS A. KOIVULA,
Manager, Land Office.

[F.R. Doc. 64-7939; Filed, Aug. 6, 1964; 8:46 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

GLIDDEN CO.

Filing of Petition Regarding Food Additives Synthetic Flavors

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 1458) has been filed by The Glidden Company, 900 Union Commerce Building, Cleveland 14, Ohio, proposing the issuance of a regulation to provide for the safe use of the following synthetic flavors, at levels of use consistent with their occurrence in natural spearmint, peppermint, and lime oils:

1.4-Cineole.
2,5-Diethyltetrahydrofuran.

Dihydrocarvone.
2-Ethylfuran.
Ethyl 2-methylbutyrate.
3-Heptanol.
3-Hexenyl isovalerate.
3-Hexenyl 2-methylbutyrate.
Hexyl isovalerate.
Hexyl 2-methylbutyrate.
2-Methylbutyl isovalerate.
2-Methyl-1,3-cyclohexadiene.
Methyl 2-methylbutyrate.
3-Octanol.
1-Octen-3-yl acetate.
3-Octyl acetate.
1-Penten-3-ol.
Phenethyl 2-methylbutyrate.
 α -Terpinene.
 γ -Terpinene.
1-Terpineol.
 β -Terpineol.

Dated: July 31, 1964.

MALCOLM R. STEPHENS,
Assistant Commissioner
for Regulations.

[F.R. Doc. 64-7951; Filed, Aug. 6, 1964; 8:48 a.m.]

COMMERCIAL SOLVENTS CORP.

Filing of Petition Regarding Food Additive Monosodium Glutamate

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 4C1436) has been filed by Commercial Solvents Corporation, Terre Haute, Indiana, proposing the issuance of a regulation to provide for the safe use of monosodium glutamate in swine feed for flavor enhancement.

Dated: July 31, 1964.

MALCOLM R. STEPHENS,
Assistant Commissioner
for Regulations.

[F.R. Doc. 64-7950; Filed, Aug. 6, 1964; 8:47 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-24]

GENERAL ELECTRIC CO.

Notice of Issuance of Facility License Amendment

Please take notice that the Atomic Energy Commission has issued Amendment No. 8, set forth below, to Facility License No. CX-4. The license authorizes the General Electric Company (the licensee) to operate its Thermal Critical Assembly located in Building 105 of General Electric's Vallecitos Atomic Laboratory in Alameda County, Calif. The amendment, in accordance with the application dated June 26, 1964, authorizes the licensee to receive, possess and use up to 100 grams of uranium-233 and up to 40 grams of plutonium in connection with operation of the Thermal Critical Assembly.

The Commission has found that:

1. The application for amendment complies with the requirements of the Atomic Energy Act of 1954, as amended, and the Commission's regulations set forth in Title 10, Chapter I, CFR;

2. Prior public notice of proposed issuance of this amendment is not required since the amendment does not involve significant hazards considerations different from those previously evaluated;

3. The issuance of this amendment will not be inimical to the common defense and security or to the health and safety of the public.

Within fifteen (15) days from the date of publication of this notice in the FEDERAL REGISTER, the licensee may file a request for a hearing, and any person whose interest may be affected by this proceeding may file a petition for leave to intervene. A request for a hearing and petitions to intervene shall be filed in accordance with the provisions of the Commission's "Rules of Practice," 10 CFR Part 2. If a request for a hearing or a petition for leave to intervene is filed within the time prescribed in this notice, the Commission will issue a notice of hearing or an appropriate order.

For further details with respect to this amendment, see (1) the application for license amendment dated June 26, 1964, and (2) a related hazards analysis prepared by the Research and Power Reactor Safety Branch of the Division of Reactor Licensing, both of which are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. A copy of item (2) above may be obtained at the Commission's Public Document Room, or upon request addressed to the Atomic Energy Commission, Washington, D.C., 20545, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Md., this 31st day of July 1964.

For the Atomic Energy Commission.

ROGER S. BOYD,
Chief, Research and Power Reactor Safety Branch, Division of Reactor Licensing.

[License No. CX-4, Amdt. 8]

1. License No. CX-4 which authorizes the General Electric Company to operate its Thermal Critical Assembly located in Building 105 of the Vallecitos Atomic Laboratory in Alameda County, California, is hereby amended, in accordance with the application for license amendment dated June 26, 1964, to change paragraph 3.B. to read as follows:

3.B. Pursuant to the Act and Title 10, CFR, Chapter I, Part 70, "Special Nuclear Material," to receive, possess and use up to 1,200 kilograms of contained uranium-235 for use in connection with operation of the Critical Experiment Facility, which includes the Mixed Spectrum Critical Assembly and the Thermal Critical Assembly; and to receive, possess and use up to 100 grams of uranium-233 and up to 40 grams of plu-

onium in connection with operation of the Thermal Critical Assembly.

2. This amendment is effective as of the date of issuance.

Date of issuance:

For the Atomic Energy Commission.

ROGER S. BOYD,
Chief, Research and Power Reactor
Safety Branch, Division of Reactor
Licensing.

[F.R. Doc. 64-8016; Filed, Aug. 6, 1964;
8:50 a.m.]

CIVIL AERONAUTICS BOARD

[Docket 15377]

SUDFLUG, SUDEUTSCHE FLUGGESELLSCHAFT, MBH

Notice of Hearing Relating to Foreign Air Carrier Permit

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that hearing in the above-entitled matter is assigned to be held on August 17, 1964, at 10:00 a.m., e.d.s.t., in Room 701, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before the undersigned examiner.

Dated at Washington, D.C., August 3, 1964.

[SEAL]

JAMES S. KEITH,
Hearing Examiner.

[F.R. Doc. 64-7965; Filed, Aug. 6, 1964;
8:50 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 15587, 15588; FCC 64-750]

COMMUNITY RADIO OF SARATOGA SPRINGS, NEW YORK, INC., AND A. M. BROADCASTERS OF SARA- TOGA SPRINGS, INC.

Memorandum Opinion and Order Designating Applications for Con- solidated Hearing on Stated Issues

In re applications of Community Radio of Saratoga Springs, N.Y., Inc., Saratoga Springs, N.Y., Docket No. 15587, File No. BP-16127, requests: 900 kc, 250 w, Day, Class II; A. M. Broadcasters of Saratoga Springs, Inc., Saratoga Springs, N.Y., Docket No. 15588, File No. BP-16185, requests: 900 kc, 250 w, Day, Class II; for construction permits.

1. The Commission has before it for consideration (1) the above-captioned and described applications; (2) a "Petition for Denial" of the Community Radio of Saratoga Springs, New York, Inc. (Community Radio) application, filed by Kenneth H. Freebern; and (3) related pleadings and affidavits.

2. Both applicants seek to occupy the frequency formerly occupied by Station WSPN, Saratoga Springs, New York, the license for which was surrendered by Spa Broadcasters, Inc., on February 20, 1964, and cancelled by the Commission on

March 3, 1964 pursuant to § 73.91 of the Commission's rules.

3. On this date, the Commission also dealt with a petition, filed by Kenneth H. Freebern (and a similar petition by John B. Lynch), for reconsideration of the WSPN license cancellation. Freebern contended, in his petition, that under New York State law the board of directors and president of Spa Broadcasters, Inc., lacked authority (without the approval of Freebern, in his capacity as 35 percent stockholder) to permanently discontinue WSPN broadcast operations and, as a necessary consequence thereof, to surrender the WSPN broadcast license to the Commission for cancellation. Accordingly, Freebern requested that the Commission rescind its cancellation of the WSPN license. In its Memorandum Opinion and Order responding to that petition, the Commission acknowledged that a substantial question exists as to whether the Spa Broadcasters board and president were authorized, under New York law, to take the above-described steps leading to cancellation of the WSPN license. It also noted (1) that Freebern had already submitted that question to the New York State courts for determination, and (2) that there was then pending before the Commission an appeal from a Hearing Examiner's initial decision denying renewal of the WSPN license. In view of these facts, the Commission granted Freebern's petition in part—i.e., it agreed to reconsider the license cancellation, but ordered "That, pending a final decision by the New York State courts on the above-mentioned question or a final Commission decision denying renewal of the WSPN license, whichever occurs first, further action with respect to the petitioners' requests for rescission of the above-described Commission actions is held in abeyance." In light of that order, and in view of the fact that both applicants propose to operate on the frequency formerly occupied by WSPN, the Commission will provide herein that no final decision shall be rendered in this comparative proceeding pending final disposition of the aforementioned petitions for reconsideration.

4. In its Memorandum Opinion and Order concerning Freebern's petition for reconsideration, the Commission also noted that that petition, and affidavits related to it, contained a number of allegations concerning the conduct of former WSPN station manager Kent E. Jones. It found that those allegations were not material to the license cancellation matter, but stated that they would be considered in connection with the issuance of an Order designating the application of Community Radio for comparative hearing. Jones is an officer and stockholder of Community Radio. Freebern's allegations regarding Jones' conduct are summarized in paragraph 7, item (2), below, and an issue has been included pertaining thereto.

5. Freebern is not a party in interest with respect to the above-captioned construction permit applications. Notwithstanding his status as a stockholder and

judgment creditor of the former licensee of Station WSPN, he has not shown and the Commission is not persuaded that a grant of the Community Radio application would be reasonably likely to cause him injury of a direct, tangible, and substantial nature. In view of the foregoing, Freebern's petition will be treated as an informal objection and petition for leave to intervene.

6. It appears that, except as indicated by the issues specified below, each of the applicants is legally, technically, financially, and otherwise qualified to construct and operate as proposed.

7. The following matters are to be considered in connection with the aforementioned issues specified below:

(1) The applications are mutually exclusive.

(2) Kent E. Jones is the vice president, a director, and the largest stockholder (29.9 percent) of Community Radio of Saratoga Springs, New York, Inc. He and his wife together hold a majority (59.1 percent) of the Community Radio stock. Kenneth H. Freebern asserts in his pleadings and affidavits, (a) that Jones, while manager of Spa Broadcasters, Inc.'s former Station WSPN, Saratoga Springs, New York, joined with Spa Broadcasters officers and directors Joseph Donahue and Minnie Bornemann, in violation of his responsibilities to the corporation's stockholders and creditors, in a conspiracy to ruin financially the corporation and drive its station off the air in order to obtain the WSPN facilities for himself, and a Saratoga Springs standard broadcast license for a new company he was organizing (Community Radio), at minimum cost; (b) that in furtherance of this purpose Jones (i) persistently refused requests by Freebern, Spa Broadcasters' president at the time, for reports on the station's operation; (ii) without advance disclosure to Spa Broadcasting's then president (Freebern) or the board, purchased the WSPN studio and transmitter site; (iii) made excessive and improper expenditures of Spa Broadcasters funds (e.g., a telephone bill of \$526 for long distance calls, including, within one and a half months, 10 calls to the home of Martin Karig, 32 calls to Station WWSC, Glens Falls, New York, and 9 calls to a former Spa Broadcasters stockholder and employee, Richard O'Connor); (iv) deliberately refrained from efforts to obtain local advertising; and (v) without the approval of Spa Broadcasters' president or board, withdrew corporation funds to make payments to himself on a loan he had made to Spa Broadcasters, but allowed some \$1200 due the Federal Government for withholding social security, and other taxes to go unpaid; and (c) that the surrender by Spa Broadcasters' current president, Donahue, of the WSPN station license was the final step in the conspiracy, of which Jones was a part, to serve Jones' interests at the expense of the interests of Freebern and other stockholders and creditors of the corporation.

(3) Having considered the foregoing allegations, the Commission finds that a substantial and material question exists

¹ Under § 73.91 of the Commission's rules.

as to whether Community Radio and the principal parties therein possess the qualifications required of a broadcast licensee.

8. In view of the foregoing, the Commission is unable to make the statutory finding that a grant of the subject applications would serve the public interest, convenience, and necessity, and is of the opinion that the applications must be designated for hearing in a consolidated proceeding on the issues set forth below:

Accordingly, it is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine whether Community Radio of Saratoga Springs, New York, Inc., and the principal parties therein, possess the requisite qualifications of a broadcast licensee.

2. To determine, on a comparative basis, which of the proposals would better serve the public interest, convenience, and necessity in light of the evidence adduced pursuant to the foregoing issue and the record made with respect to the significant differences between the applicants as to:

(a) The background and experience of each having a bearing on the applicant's ability to own and operate its proposed station.

(b) The proposals of each of the applicants with respect to the management and operation of the proposed station.

(c) The programming service proposed in each of the said applications.

3. To determine, in the light of the evidence adduced pursuant to the foregoing issues, which of the applications should be granted.

It is further ordered, That the petition by Kenneth H. Freebern for denial of the Community Radio application is dismissed.

It is further ordered, That Kenneth H. Freebern is made a party to the proceeding.

It is further ordered, That, in the comparative consideration of the Community Radio and A.M. Broadcasters applications, no effect whatsoever shall be given to any expenditure of funds by Community Radio pursuant to grants of temporary authorization to operate Station WKAJ nor shall any preference redound to Community Radio by virtue of its temporary operation of that station.

It is further ordered, That to avail themselves of the opportunity to be heard, the applicants and party respondent herein, pursuant to § 1.221(c) of the Commission rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission in triplicate a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

It is further ordered, That the applicants herein shall, pursuant to section 311(a) (2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing, either individually or, if feasible

and consistent with the rules, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

It is further ordered, That, the issues in the above-captioned proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding, and upon sufficient allegations of fact in support thereof, by the addition of the following issue: To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be effectuated.

It is further ordered, That, no final decision shall be rendered in this comparative proceeding pending final disposition of the aforementioned petitions for reconsideration.

Adopted: July 29, 1964.

Released: August 4, 1964.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64-7961; Filed, Aug. 6, 1964;
8:49 a.m.]

[Docket Nos. 15589, 15590; FCC 64-751]

D & F BROADCASTING CO. AND RADIO MONTICELLO

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Robert E. Dobelstein and W. F. Fowler d/b as D & F Broadcasting Co., Quincy, Fla., Docket No. 15589, File No. BP-15508, Requests: 1090 kc, 1 kw, Day, Class II-D; William S. Dodson tr/as Radio Monticello, Monticello, Fla., Docket No. 15590, File No. BP-15730, Requests: 1090 kc, 1 kw, Day, Class II-D; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D.C. on the 29th day of July 1964;

The Commission having under consideration the above-captioned and described applications;

It appearing, that, except as indicated by the issues specified below, each of the applicants is legally, technically, financially, and otherwise qualified to construct and operate as proposed; and

It further appearing, that the following matters are to be considered in connection with the aforementioned issues specified below:

1. The two applications are mutually exclusive in that concurrent operation would result in mutually destructive interference.

2. It has yet to be determined whether or not the antenna system proposed by Radio Monticello would constitute a hazard to air navigation. Accordingly, an issue to that effect will be included and the Federal Aviation Agency made a party to the proceeding ordered below.

It further appearing, that, in view of the foregoing, the Commission is unable

to make the statutory finding that a grant of the subject applications would serve the public interest, convenience, and necessity, and is of the opinion that the applications must be designated for hearing in a consolidated proceeding on the issues set forth below:

It is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations which would receive primary service from the proposed operations and the availability of other primary service to such areas and populations.

2. To determine whether there is a reasonable possibility that the tower height and location proposed by Radio Monticello would constitute a menace to air navigation.

3. To determine, in the light of section 307(b) of the Communications Act of 1934, as amended, which of the proposals would better provide a fair, efficient and equitable distribution of radio service.

4. To determine, in the light of the evidence adduced pursuant to the foregoing issues which, if either, of the applications should be granted.

It is further ordered, That the Federal Aviation Agency is made a party to the proceeding.

It is further ordered, That in the event of a grant of either of the applications herein, the construction permit shall contain the following condition:

Pending a final decision in Docket No. 14419 with respect to presunrise operation with daytime facilities, the present provisions of § 73.87 of the Commission rules are not extended to this authorization, and such operation is precluded.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants and party respondent herein, pursuant to § 1.221(c) of the Commission rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

It is further ordered, That the applicants herein shall, pursuant to section 311(a) (2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing, either individually or, if feasible and consistent with the rules, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

It is further ordered, That, the issues in the above-captioned proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding, and upon sufficient allegations of fact in support thereof, by the addition of the following issue: To determine whether the funds available to the applicant will give reasonable assurance that the proposals

set forth in the application will be effectuated.

Released: August 4, 1964.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64-7962; Filed, Aug. 6, 1964;
8:49 a.m.]

[Docket Nos. 15591, 15592; FCC 64-754]

**NELSON BROADCASTING CO. AND
WBNR, INC.**

**Order Designating Applications for
Consolidated Hearing on Stated
Issues**

In re applications of Donald P. Nelson and Wilbur E. Nelson d/b as Nelson Broadcasting Company, Newburgh, N.Y., Docket No. 15591, File No. BPH-4212, requests: 103.1 mc, No. 276; 3 kw; 210 feet; WBNR, Inc., Newburgh, N.Y., Docket No. 15592, File No. BPH-4300, requests: 103.1 mc, No. 276; 3 kw; 222 feet; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 29th day of July 1964;

The Commission having under consideration the above-captioned and described applications;

It appearing, that, except as indicated by the issues specified below, the applicants are legally, technically, financially and otherwise qualified to construct and operate the proposed stations, but that the applications are mutually exclusive in that operation by the applicants as proposed would result in mutually destructive interference; and

It further appearing, that the areas for which the applicants propose to provide FM broadcast service are significantly different in size and that for purposes of comparison, the areas and populations within the respective 1 mv/m contours together with the availability of other FM service (at least 1 mv/m) within such areas will be considered in the hearing ordered below for the purpose of determining whether a comparative preference should accrue to either applicant; and

It further appearing, that, WBNR, Inc., licensee of standard broadcast station WBNR, Beacon, N.Y., proposes an FM broadcast service for Beacon's neighboring city, Newburgh, from a transmitter site nearer to Newburgh than to Beacon, that WBNR, Inc., proposes a Newburgh studio site with remote control of the FM transmitter from the WBNR studio-transmitter site, that WBNR, Inc., proposes, apparently through inadvertence, to duplicate the programs of standard broadcast station WBNR 38 hours per day; that, in view of these aspects of the WBNR proposal, it cannot be determined whether WBNR, Inc., intends to operate in compliance with § 73.210(a) of the Commission's rules which prescribes the minimum number of hours during which a licensee must originate programs in the place where the station is located; and

It further appearing, that, in view of the foregoing, the Commission is unable to make the statutory finding that a grant of the subject applications would serve the public interest, convenience, and necessity, and is of the opinion that the applications must be designated for hearing in a consolidated proceeding on the issues set forth below:

It is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine the area and population within each of the proposed 1 mv/m contours and the availability of other FM services (at least 1 mv/m) to such areas and populations.

2. To determine whether WBNR, Inc., will operate the proposed FM broadcast station in compliance with § 73.210(a) (3) of the Commission's rules.

3. To determine, on a comparative basis, which of the proposals would better serve the public interest, convenience, and necessity in light of the evidence adduced pursuant to the foregoing issues and the record made with respect to the significant differences between the applicants as to:

(a) The background and experience of each having a bearing on the applicant's ability to own and operate the FM station as proposed.

(b) The proposals of each of the applicants with respect to the management and operation of the FM broadcast stations as proposed.

(c) The programming services proposed in each of the above-captioned applications.

4. To determine, in the light of the evidence adduced pursuant to the foregoing issues which of the applications should be granted.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants herein, pursuant to § 1.221(c) of the Commission rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

It is further ordered, That the applicants herein shall, pursuant to section 311(a) (2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing, either individually or, if feasible and consistent with the rules, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

It is further ordered, That, the issues in the above-captioned proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding, and upon sufficient allegations of fact in support thereof, by the addition of the following issue: To determine whether the funds available to the applicant will give reasonable

assurance that the proposals set forth in the application will be effectuated.

Released: August 4, 1964.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64-7963; Filed, Aug. 6, 1964;
8:50 a.m.]

**FEDERAL MARITIME COMMISSION
AMERICAN MAIL LINE AND UNITED
STATES LINES CO.**

**Notice of Agreements Filed for
Approval**

Notice is hereby given that the following agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement(s) at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 301; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter), and the comments should indicate that this has been done.

Notice of agreement filed for approval by,

United States Lines Co., Alexander Purdon,
Executive Vice-President, One Broadway,
New York, N.Y., 10004.

Agreement 9371, between American Mail Line and United States Lines Co., provides for the appointment by United States Lines Co. of American Mail Line as its general passenger agent in the States of Washington, Oregon, Idaho and Montana, with respect to vessels designated and operated by United States Lines Co. in its various services. The agreement sets forth the rates of compensation and the services to be performed under the general agency arrangement.

Dated: July 31, 1964.

By order of the Federal Maritime Commission.

THOMAS LIST,
Secretary.

[F.R. Doc. 64-7945; Filed, Aug. 6, 1964;
8:47 a.m.]

**CITY OF LONG BEACH AND WEST
COAST WAREHOUSE CORP.**

**Notice of Agreements Filed for
Approval**

Notice is hereby given that the following agreements have been filed with the

Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement(s) at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 301; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the *FEDERAL REGISTER*. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter), and the comments should indicate that this has been done.

Notice of agreement filed for approval by,

City of Long Beach, Harbor Administration Building, Post Office Box 570, Long Beach, Calif., 90801

Agreement No. T-652, between the City of Long Beach (Port), and West Coast Warehouse Corp. (Company), provides for a one year exclusive lease of certain terminal property and warehouses on the Port's property to be used by Company for the storage of commodities and for other matters incidental to a general warehouse operation. The agreement provides that Company's storage charges will be as published in applicable tariffs presently on file with the California Public Utilities Commission. The agreement also provides that Company's storage charges shall be subject to the prior approval in writing by the Port. As compensation for the lease Company agrees to pay an amount as specified in the agreement.

Dated: August 4, 1964.

By order of the Federal Maritime Commission.

THOMAS LIST,
Secretary.

[F.R. Doc. 64-7946; Filed, Aug. 6, 1964;
8:47 a.m.]

[Docket No. 1187]

SEA-LAND SERVICE INC.

Reduced Rates on Machinery and Tractors From United States Atlantic Ports to Ports in Puerto Rico

It appearing, that by order dated May 26, 1964, as supplemented by order dated June 24, 1964, the Commission entered into an investigation of reduced rates on the subject commodities filed by carriers named as respondents therein;

It further appearing, that by the First Supplemental Order in this proceeding, the Commission placed all future changes affecting the transportation of the subject commodities under investigation herein;

It further appearing, that on June 17, 1964, respondent Sea-Land Service Inc., filed amendments to its tariff scheduled to become effective July 21, 1964, which

would reduce further the rates currently under investigation;

It further appearing, that the Commission is of the opinion that this new round of rate reductions filed by Sea-Land Service Inc., if permitted to become effective on July 21, 1964, may have a damaging effect upon the competitive status of all carriers in the trade with possible detrimental effect on shipper interests;

It further appearing, that the effective date of the said reduced rates should be suspended pending a public hearing and investigation to determine whether they are unjust, unreasonable, or otherwise unlawful under the Shipping Act, 1916, or the Intercoastal Shipping Act, 1933;

Now therefore it is ordered, That the rates of 41 cents per cubic foot and 125 cents per hundred pounds published on Original Page 22-A and 12th Revised Page No. 22 of Sea-Land Service Inc., Puerto Rican Division, Freight Tariff No. 6, FMC-F No. 2 be, and they are hereby suspended and that the use thereof be deferred to and including November 20, 1964, unless otherwise authorized by the Commission, and that the rates, fares, charges, rules, regulations, and/or practices heretofore in effect, and which were to be changed by the suspended matter shall remain in effect during the period of suspension;

It is further ordered, That no change shall be made in the matter hereby suspended nor the matter which is continued in effect as a result of such suspension until the period of suspension or any extension thereof has expired, or until this investigation and suspension proceeding has been disposed of, whichever first occurs unless otherwise authorized by the Commission;

It is further ordered, That there shall be filed immediately with the Commission by Sea-Land Service Inc., a consecutively numbered supplement to the aforesaid tariff, which supplement shall bear no effective date, shall reproduce the portion of this order wherein the suspended matter is described, and shall state that the aforesaid rate is suspended and may not be used until the 21st day of November, 1964, unless otherwise authorized by the Commission; and that the rates and charges heretofore in effect, and which were to be changed by the suspended matter shall remain in effect during the period of suspension, and neither the matter suspended, nor the matter which is continued in effect as a result of such suspension, may be changed until the period of suspension has expired or until this investigation and suspension proceeding has been disposed of, whichever first occurs, unless otherwise authorized by the Commission;

It is further ordered, That copies of this order shall be filed with the said tariff schedule in the Bureau of Domestic Regulation of the Federal Maritime Commission;

It is further ordered, That (I) a copy of this order shall forthwith be served all respondents, protestants and interveners herein; (II) the said respondents, protestants, and interveners be notified of the time and place of the hearing herein ordered; and (III) this order and

notice of the said hearing be published in the *FEDERAL REGISTER*.

All persons (including individuals, corporations, associations, firms, partnerships, and public bodies) having an interest in this proceeding and desiring to intervene therein, should notify the Secretary of the Commission promptly and file petitions for leave to intervene in accordance with Rule 5(n) (46 CFR 502.73).

By the Commission.

[SEAL]

THOMAS LIST,
Secretary.

[F.R. Doc. 64-7947; Filed, Aug. 6, 1964;
8:47 a.m.]

[Commission Order 1 (Amended); Supp. 2]

ORGANIZATION AND FUNCTIONS

Specific Authorities Delegated to Managing Director

Section 7—*Specific Authorities Delegated to the Managing Director*—is hereby supplemented to add Subsection 7.11 as follows:

7.11 Authority to (1) approve modifications to Section 15 agreements when such modifications are filed in accordance with the requirement of Commission rule or general order and are clearly in compliance with the criteria and/or intent of such rule or general order and (2) require modification of the filed amendment to the extent necessary to conform to the requirements of such rule or general order.

JOHN HARLEE,
Chairman.

July 30, 1964.

[F.R. Doc. 64-8032; Filed, Aug. 6, 1964;
8:50 a.m.]

FEDERAL POWER COMMISSION

[Docket Nos. G-4175, etc.]

McCARRICK, GOUGER & MITCHELL ET AL.

Issuance of Certificates of Public Convenience and Necessity, etc.

JULY 29, 1964.

Findings and order after statutory hearing issuing certificates of public convenience and necessity, amending certificates, permitting and approving abandonment of service, terminating certificates, substituting parties, accepting and redesignating related rate schedules, redesignating proceedings, substituting respondents, making changes in rates effective, requiring filing of certain agreements and undertakings and accepting certain agreements and undertakings for filing.

Each of the applicants listed herein has filed an application pursuant to section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale and delivery of natural gas in interstate commerce, for permission and approval to abandon service, or a petition to amend an existing certificate authorization, all as more

fully described in the respective applications and petitions (and any supplements or amendments thereto) which are on file with the Commission.

The Applicants herein have filed related FPC Gas Rate Schedules and propose to initiate or abandon, add or delete natural gas service in interstate commerce as indicated by the tabulation herein. All sales certificated herein are either equal to or below the ceiling prices established by the Commission's Statement of Policy 61-1, as amended, or involve sales for which permanent certificates have been previously issued.

Sharples and Company Properties (Operator), et al., Applicant in Docket Nos. G-6080, G-6082, and G-10031, proposes to continue the sales of natural gas authorized in said dockets as successor in interest to The Sharples Oil Corporation pursuant to contracts heretofore designated as the latter's FPC Gas Rate Schedule Nos. 3, 6 and 7. Changes in rate under said rate schedules have been suspended in Docket Nos. G-14624,¹ G-14253² and RI62-34,³ respectively. The presently effective rate being collected pursuant to The Sharples Oil Corporation (Operator), et al., FPC Gas Rate Schedule No. 7 is in effect subject to refund in Docket No. RI62-34. Sharples and Company Properties has filed motions in the rate suspension proceedings to be substituted as respondent therein and has filed an agreement and undertaking in Docket No. RI62-34 to assure the refund of any amounts collected in excess of the amount determined to be just and reasonable in said proceeding. Accordingly, Sharples and Company Properties (Operator), et al., will be substituted as respondent in Docket Nos. G-14253, G-14624 and RI62-34; said proceedings will be redesignated; and the agreement and undertaking filed in Docket No. RI62-34 will be accepted for filing.

McCarrick, Gouger & Mitchell, et al., Applicant in Docket Nos. G-19045 and G-19049, proposes to continue sales of natural gas as successor in interest to Stewart & Gouger Drilling Company, et al., pursuant to contracts heretofore designated as Stewart & Gouger Drilling Company, et al., FPC Gas Rate Schedule Nos. 1 and 2. The presently effective rates under said rate schedules are in effect subject to refund in Docket No. RI62-34.³ McCarrick, Gouger & Mitchell, et al., has filed a motion, together with an agreement and undertaking, to be substituted in lieu of Stewart & Gouger Drilling Company, et al., as respondent in said proceeding. Accordingly, McCarrick, Gouger & Mitchell, et al., will be substituted as respondent in Docket No. RI62-34; said proceeding will be redesignated; and the agreement and undertaking filed in Docket No. RI62-34 will be accepted for filing.

Sun Oil Company (Southwest Division), Applicant in Docket No. G-14943, proposes to continue sales of natural gas as successor in interest to Mineral Resources, Inc., pursuant to contracts heretofore designated as Mineral Resources, Inc., et al., FPC Gas Rate Schedule Nos. 1 and 2. On December 18, 1959, Mineral Resources, Inc., filed with the Commission notices of changes in rate under the subject contracts. By order issued January 15, 1960, in Docket No. RI60-19 the Commission suspended the proposed changes in rate until June 18, 1960. The changes were designated as Supplement No. 6 to FPC Gas Rate Schedule No. 1 and Supplement No. 4 to FPC Gas Rate Schedule No. 2. On February 5, 1964, Sun Oil Company filed in Docket No. RI60-19³ a motion pursuant to section 4(e) of the Natural Gas Act and § 154.102 of the regulations thereunder requesting that the proposed changes in rate be made effective as of the date of filing of the motion. An agreement and undertaking to assure the refund of any amounts collected in excess of the amount to be determined to be just and reasonable in Docket No. RI60-19 accompanied the motion. Concurrently with said motion Sun filed a request that it be substituted as respondent in the rate proceeding and that the related FPC Gas Rate Schedules of Mineral Resources, Inc., be redesignated as its own. Accordingly, Sun will be substituted as respondent in the proceeding pending in Docket No. RI60-19; the proceeding will be redesignated; Mineral Resources, Inc., et al., FPC Gas Rate Schedule Nos. 1 and 2 will be redesignated as Sun Oil Company FPC Gas Rate Schedules Nos. 170 and 171, respectively; the proposed changes in rate filed by Mineral Resources, Inc., will be made effective as requested by Sun as of February 5, 1964, under redesignated Supplement No. 6 to Sun's FPC Gas Rate Schedule No. 170 and Supplement No. 4 to Sun's FPC Gas Rate Schedule No. 171; and the agreement and undertaking will be accepted for filing.

Livingston Oil Company, Applicant in Docket No. CI60-37, proposes to continue the sale of natural gas authorized in said docket as successor in interest to Crescent Oil and Gas Corporation pursuant to a contract heretofore designated as Crescent's FPC Gas Rate Schedule No. 7 and hereinafter redesignated as Livingston's FPC Gas Rate Schedule No. 14. Crescent has filed a change in rate designated as Supplement No. 3 to the related rate schedule and suspended in Docket No. RI64-184³ until June 1, 1964, by order issued October 10, 1963. On June 1, 1964, Livingston filed in Docket No. RI64-184 motions to be substituted in lieu of Crescent as respondent in said proceeding and to make the change in rate effective. Said proceeding was instituted pursuant to sections 4 and 15 of the Natural Gas Act for the purpose of determining the lawfulness of the increased rate and has not been concluded nor has any decision been rendered therein. Accordingly, Livingston will be substituted as respondent in lieu of Crescent; the proceeding will be re-

designated; the increased rate is effective as of June 1, 1964; and Livingston will be required to file an agreement and undertaking to assure the refund of any amount collected in excess of the amount determined to be just and reasonable in said proceeding.

After due notice, no petition or notice to intervene or protest to the granting of any of the respective applications or petitions have been filed.

At a hearing held on July 23, 1964, the Commission on its own motion received and made a part of the record in these proceedings all evidence, including the applications, amendments and exhibits thereto, submitted in support of the respective authorizations sought herein, and upon consideration of the record, The Commission finds:

(1) Each Applicant herein is a "natural-gas company" within the meaning of the Natural Gas Act as heretofore found by the Commission or will be engaged in the sale of natural gas in interstate commerce for resale for ultimate public consumption, subject to the jurisdiction of the Commission, and will, therefore, be a "natural-gas company" within the meaning of said Act upon the commencement of the service under the respective authorizations granted hereinafter.

(2) The sales of natural gas hereinbefore described, as more fully described in the respective applications, amendments and/or supplements herein, will be made in interstate commerce, subject to the jurisdiction of the Commission, and such sales by the respective Applicants, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, are subject to the requirements of subsections (c) and (e) of section 7 of the Natural Gas Act.

(3) The sales of natural gas by the respective Applicants, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, are required by the public convenience and necessity and certificates therefor should be issued as hereinafter ordered and conditioned.

(4) The respective Applicants are able and willing properly to do the acts and to perform the services proposed and to conform to the provisions of the Natural Gas Act and the requirements, rules and regulations of the Commission thereunder.

(5) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act and the public convenience and necessity require that the certificate authorizations heretofore issued by the Commission in Docket Nos. G-4175, G-5010, G-6078, G-6080, G-6082, G-6716, G-10031, G-11487, G-11635, G-11650, G-12379, G-13096, G-13263, G-14653, G-14943, G-16451, G-18901, G-19045, G-19049, CI60-37, CI61-592, CI61-994, CI62-609, CI63-147, CI63-951, CI63-1383 and CI64-444 should be amended as hereinafter ordered.

(6) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that Sharples and Com-

¹ Consolidated with Docket No. AR61-1, et al.

² Consolidated with Docket No. AR64-1, et al.

³ Consolidated with Docket No. AR64-2, et al.

pany Properties (Operator), et al., should be substituted in lieu of The Sharples Oil Corporation as respondent in the proceedings pending in Docket Nos. G-14253, G-14624 and RI62-34; that said proceedings should be redesignated accordingly; and that the agreement and undertaking submitted by Sharples and Company Properties in Docket No. RI62-34 to assure refund of any amounts collected in excess of the amount determined to be just and reasonable in said proceeding should be accepted for filing in lieu of that filed by The Sharples Oil Corporation.

(7) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that McCarrick, Gouger & Mitchell, et al., should be substituted as respondent in the proceeding pending in Docket No. RI62-343; that said proceeding should be redesignated accordingly; and that the agreement and undertaking submitted by McCarrick, Gouger & Mitchell, et al., to assure refund of any amount collected in excess of the amount to be determined to be just and reasonable in said proceeding should be accepted for filing in lieu of that filed by Stewart & Gouger Drilling Company, et al.

(8) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that Sun Oil Company should be substituted in lieu of Mineral Resources, Inc., as respondent in the proceeding pending in Docket No. RI60-19; that said proceeding should be redesignated accordingly; and that the motion filed by Sun Oil Company in Docket No. RI60-19 to make changes in rate effective should be granted and that the accompanying agreement and undertaking to assure refunds of any amounts collected in excess of the amount to be determined to be just and reasonable in said docket should be accepted for filing.

(9) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that Livingston Oil Company should be substituted in lieu of Crescent Oil and Gas Corporation as respondent in the proceeding pending in Docket No. RI64-184; that said proceeding should be redesignated accordingly; and that the rate set forth in Supplement No. 3 to Livingston Oil Company FPC Gas Rate Schedule No. 14 (as so redesignated herein) should be made effective as of June 1, 1964, and that Livingston should be required to file an agreement and undertaking to assure the refund of any amount collected in excess of the amount determined to be just and reasonable in Docket No. RI64-184.

(10) The sales of natural gas proposed to be abandoned by the respective Applicants, as hereinbefore described, all as more fully described in the tabulation herein, and in the respective applications, are subject to the requirements of subsection (b) of section 7 of the Natural Gas Act, and such abandonments should be permitted and approved as herein-after ordered.

(11) The certificates of public convenience and necessity heretofore issued to the Applicants herein, relating to the

several abandonments hereinafter permitted and approved should be terminated.

(12) The respective related rate schedules and supplements as designated or redesignated in the tabulation herein, should be accepted for filing as herein-after ordered.

The Commission orders:

(A) Certificates of public convenience and necessity be and the same are hereby issued, upon the terms and conditions of this order, authorizing the sales by the respective Applicants herein of natural gas in interstate commerce for resale, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary for such sales, all as hereinbefore described and as more fully described in the respective applications, amendments, supplements and exhibits in this consolidated proceeding.

(B) The certificates granted in paragraph (A) above are not transferable and shall be effective only so long as Applicants continue the acts or operations hereby authorized in accordance with the provisions of the Natural Gas Act and the applicable rules, regulations and orders of the Commission.

(C) The grant of the certificates issued in paragraph (A) above shall not be construed as a waiver of the requirements of section 4 of the Natural Gas Act or of Part 154 or Part 157 of the Commission's regulations thereunder, and is without prejudice to any findings or orders which have been or may hereafter be made by the Commission in any proceeding now pending or hereafter instituted by or against the respective Applicants. Further, our action in this proceeding shall not foreclose nor prejudice any future proceedings or objections relating to the operation of any price or related provisions in the gas purchase contracts herein involved. Nor shall the grant of the certificate aforesaid for service to the particular customers involved imply approval of all of the terms of the respective contracts, particularly as to the cessation of service upon termination of said contracts, as provided by section 7(b) of the Natural Gas Act. Nor shall the grant of the certificates aforesaid be construed to preclude the imposition of any sanctions pursuant to the provisions of the Natural Gas Act for the unauthorized commencement of any sales of natural gas subject to said certificates.

(D) The certificate authorizations heretofore granted to the respective Applicants in Docket Nos. G-5010, G-13263, G-14653, CI62-609, CI63-147 and CI63-951 are hereby amended by adding thereto authorization to sell natural gas to the same purchasers and in the same areas as covered by the original authorizations, pursuant to the rate schedule supplements as indicated in the tabulation herein.

(E) The certificates heretofore issued in Docket Nos. G-6716 and G-11635 are hereby amended by deleting therefrom authorization granted herein, in Docket No. G-13263.

(F) The certificates heretofore issued in Docket Nos. G-13096 and CI61-994 are hereby amended by deleting therefrom authorization granted herein, in Docket Nos. CI64-1452 and CI64-1435.

(G) In all other respects, the respective orders of the Commission amended by paragraphs (D), (E), and (F) above shall remain in full force and effect.

(H) Permission for and approval of the abandonment of service by the respective Applicants, as hereinbefore described and as more fully described in the respective applications herein, are hereby granted.

(I) The certificates heretofore issued in Docket Nos. G-3048, G-4084, G-5760, G-11826, G-13021, and G-19330 are hereby terminated.

(J) The certificate authorization heretofore granted to the respective Applicants in Docket Nos. G-4175, G-6078, G-6080, G-6082, G-10031, G-11487, G-11650, G-12379, G-14943, G-16451, G-18901, G-19045, G-19049, CI60-37, CI61-592, CI63-1383 and CI64-444 are hereby amended by substituting as certificate holders thereunder the respective successors in interest as indicated in the tabulation herein.

(K) Sharples and Company Properties (Operator), et al., be and the same is hereby substituted as respondent in lieu of The Sharples Oil Corporation in the proceedings pending in Docket Nos. G-14253, G-14624 and RI62-34; that said proceedings are redesignated accordingly; and the agreement and undertaking submitted by Sharples and Company Properties in Docket No. RI62-34 to assure refund of any amount collected in excess of the amount determined to be just and reasonable in said proceeding be and the same is hereby accepted for filing in lieu of that filed by The Sharples Oil Corporation.

(L) Sharples and Company Properties shall comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, and the agreement and undertaking filed in Docket No. RI62-34 by Sharples and Company Properties shall remain in full force and effect until discharged by the Commission.

(M) McCarrick, Gouger & Mitchell, et al., be and it is hereby substituted in lieu of Stewart & Gouger Drilling Company, et al., as respondent in the proceeding pending in Docket No. RI62-343; that said proceeding is redesignated accordingly; and the agreement and undertaking submitted by McCarrick, Gouger & Mitchell et al., to assure refund of any amount collected in excess of the amount to be determined to be just and reasonable in Docket No. RI62-343 be and the same is hereby accepted for filing in lieu of the agreement and undertaking filed by Stewart & Gouger Drilling Company, et al.

(N) McCarrick, Gouger & Mitchell, et al., shall comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the Regulations thereunder, and the agree-

ment and undertaking filed by McCarrick, Gouger & Mitchell, et al., shall remain in full force and effect until discharged by the Commission.

(O) Sun Oil Company be and it is hereby substituted in lieu of Mineral Resources, Inc., as respondent in the proceeding pending in Docket No. RI60-19, and said proceeding is redesignated accordingly.

(P) The rates, charges and classifications set forth in Supplement No. 6 to Sun Oil Company FPC Gas Rate Schedule No. 170 and Supplement No. 4 to Sun Oil Company FPC Gas Rate Schedule No. 171 (each as so redesignated herein) be and the same are hereby made effective as of February 5, 1964. Said effective rates shall be charged and collected commencing as of the effective date, subject to any future orders of the Commission in Docket No. RI60-19; and the agreement and undertaking submitted by Sun Oil Company in Docket No. RI60-19 to assure refunds of any amounts collected in excess of the amount to be determined to be just and reasonable in said proceeding be and the same is hereby accepted for filing.

(Q) Sun Oil Company shall comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the Regulations thereunder, and the agreement and undertaking filed in Docket No. RI60-19 shall remain in full force and effect until discharged by the Commission.

(R) Livingston Oil Company be and it is hereby substituted in lieu of Crescent Oil and Gas Company as respondent in the proceeding pending in Docket No. RI64-184; that said proceeding is redesignated accordingly; and that the rate set forth in Supplement No. 3 to Livingston Oil Company FPC Gas Rate Schedule No. 7 (as so redesignated herein) is effective as of June 1, 1964, and said rate shall be charged and collected commencing as of the effective date subject to any future orders of the Commission.

(S) Within 30 days from the issuance of this order, Livingston Oil Company shall execute, in the form set out below, and shall file with the Secretary of the Commission, an acceptable agreement and undertaking in Docket No. RI64-184 to assure the refund of any amount, together with interest at the rate of seven percent per annum, collected in excess of the amount determined to be just and reasonable in said proceeding. Unless notified to the contrary by the Secretary of the Commission within 30 days from the date of submission, such agreement and undertaking shall be deemed to have been accepted for filing.

(T) Livingston Oil Company shall comply with the refunding and reporting procedure required by the Natural Gas Act and Section 154.102 of the Regulations thereunder, and the agreement and undertaking filed in Docket No. RI64-184 shall remain in full force and effect until discharged by the Commission.

(U) The respective related rate schedules and supplements as indicated in the

tabulation herein, are hereby accepted for filing; further, the rate schedules relating to the several successions herein, are hereby redesignated and accepted, subject to the applicable Commission Regulations under the Natural

Gas Act to be effective on the dates indicated in the tabulation herein.

By the Commission.

[SEAL]

JOSEPH H. GUTRIE,
Secretary.

Docket No. and date filed	Applicant	Purchaser, field, and location	FPC rate schedule to be accepted		
			Description and date of document	No.	Supp.
G-4175..... E 3-23-64	McCarrick, Gouger & Mitchell, et al. (successor to McCarrick Oil Company, et al.).	Natural Gas Pipeline Co. of America, Clayton Area, Live Oak County, Tex.	McCarrick Oil Co., et al., FPC GRS No. 1. Supplement Nos. 1-5. Letter 9-20-63. Amendment 10-1-63. Notice of succession 3-23-64.	3 3 3 3	1-5 6 7
G-5010..... C 4-3-64	Shell Oil Co.	El Paso Natural Gas Co., Monahans Field, Ward and Winkler Counties, Tex.	Effective date: 3-1-58. Supplemental agreement 2-10-64. Letter agreement 5-25-64.	17	14
G-6078..... E 5-4-64	Sharples and Co. Properties (Operator), et al. (successor to The Sharples Oil Corp.)	Montana-Dakota Utilities Co., Worland Field, Washakie and Big Horn Counties, Wyo.	The Sharples Oil Corp., FPC GRS No. 1. Supplement Nos. 1-3. Notice of succession 4-15-64.	1	1-8
G-6080..... E 5-4-64	Sharples and Co. Properties (Operator), et al. (successor to The Sharples Oil Corp., et al.).	El Paso Natural Gas Co., Spraberry Field, Reagan County, Tex.	Assignment 2-19-64. Assignment (undated). Effective date: 1-1-64. The Sharples Oil Corp., et al., FPC GRS No. 3.	1 1 2	9 10
G-6082..... E 5-4-64	Sharples and Co. Properties (Operator), et al. (successor to The Sharples Oil Corp. (Operator), et al.).	El Paso Natural Gas Co., Pegasus Field, Midland and Upton Counties, Tex.	Supplement Nos. 1-4. Notice of succession 4-15-64.	2	1-4
G-10031..... E 5-4-64	Sharples and Co. Properties (Operator), et al. (successor to The Sharples Oil Corp. (Operator), et al.).	Northern Natural Gas Co., North Hansford Field, Hansford County, Tex.	Assignment 2-19-64. Assignment (undated). Effective date: 1-1-64. The Sharples Oil Corp. (Operator), et al., FPC GRS No. 6.	2 2 3	5 6
G-11487..... E 5-4-64	Livingston Oil Co. (Operator), et al. (successor to Crescent Oil and Gas Corp. (Operator), et al.).	Texas Eastern Transmission Corp., Waskom Field, Panola County, Tex.	Supplement Nos. 1-3. Notice of succession 4-15-64.	3 3	4 5
G-11650..... E 3-23-64	McCarrick, Gouger & Mitchell (Operator), et al. (successor to McCarrick Oil Co. (Operator), et al.).	Natural Gas Pipeline Co. of America, East Maxine Field, Live Oak County, Tex.	Assignment 2-19-64. Assignment (undated). Effective date: 1-1-64. Crescent Oil and Gas Corp. (Operator), et al., FPC GRS No. 1. Supplement Nos. 1-13. Notice of succession 4-10-64.	4 4 11 11	5 6 1-13
G-12370..... E 6-1-64	Expando Production Co. (Operator), et al. (successor to Fain & McGaha (Operator), et al.).	Warren Petroleum Corp., East Panhandle Sweet Gas Field, Wheeler County, Tex.	Effective date: 1-1-64. McCarrick Oil Co. (Operator), et al., FPC GRS No. 2. Supplement No. 1. Letter 9-20-63. Amendment 10-1-63. Notice of succession 3-23-64.	4 4 4	1 2 3
G-13263..... (G-6716) (G-11635) C 4-22-64 G-8-64 G-14653..... C 6-9-64	Sinclair Oil & Gas Co. (partial succession).	El Paso Natural Gas Co., West Dollarhide Field, Lea County, N. Mex.	Effective date: 3-1-58. Fain & McGaha (Operator), et al., FPC GRS No. 3. Supplement Nos. 1-2. Notice of succession (undated).	1	1-2
G-14943..... E 2-5-64	Smith & Barker Oil & Gas Co., Inc.	Hope Natural Gas Co., Sherman District, Calhoun County, W. Va.	Assignment 12-19-63. Assignment 1-2-64. Effective date: 1-1-64. Assignment 9-6-63. Assignment 9-6-63. Supplemental agreement 1-2-64.	1 1 148 148 148	3 4 11 12 13
G-14943.....	Sun Oil Co. (Southwest Division) (successor to Mineral Resources, Inc., et al.).	Tennessee Gas Transmission Co., Penna and Garcia Units, Starr County, Tex.	Letter 3-20-64. Supplemental agreement 4-7-64.	148 4	14 3
G-14943.....	do.	Tennessee Gas Transmission Co., East Alvarez Unit, Starr County, Tex.	Mineral Resources, Inc., et al., FPC GRS No. 1. Supplement Nos. 1-6. Notice of succession. Assignment 10-1-63. Mineral Resources, Inc., et al., FPC GRS No. 2. Supplement Nos. 1-4. Notice of succession. Assignment 10-1-63. Effective date: 10-1-63.	170 170 171 171 171	1-6 7 1-4 5

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.

See footnotes at end of table.

NOTICES

[illegible]

See footnotes at end of table.

- ¹³ 2 instruments, one filed with the Secretary of the State of Texas, the other with the State of Delaware certifying the Merger of Graridge Corp. into the Ibox Co., Inc.
¹⁴ Rate in effect subject to refund in Docket No. RI62-343.
¹⁵ Rate under suspension in Docket No. RI64-184.
¹⁶ By letter dated 6-11-64, Applicant stated willingness to accept a permanent certificate at 13.0 cents/Mcf.
¹⁷ Although Predecessors' rate schedule was accepted for filing by Commission's Order issued 2-7-64, in Docket Nos. G-10122, et al., service has not yet been rendered.
¹⁸ Source of gas depleted.
¹⁹ Partially succeeds Two States Oil Co. FPC GRS No. 2.
²⁰ Prior rate of 17.75 cents/Mcf was made effective subject to refund by order issued 1-28-59, in Docket No. G-17670; present rate of 23.55 cents/Mcf made effective subject to refund by order issued 12-15-59, in Docket No. G-17993. Applicant is respondent in proceedings in Docket No. AR61-2, et al.
²¹ Partially succeeds Great Lake Natural Gas Corp. FPC GRS No. 2.
²² Decision of Bureau of Land Management, Department of the Interior, approving 3 assignments to John A. Egan, each dated June 8, 1961.
²³ Transportation agreement whereby Ames will deliver gas to Arkansas Louisiana Gas Co. for Union Texas Petroleum (Sale by Union Texas to Arkansas Louisiana authorized in Docket No. CI64-654; Union Texas Petroleum FPC GRS No. 73).
²⁴ It is uneconomical for Lone Star to continue purchases from the East Panhandle Field; Lone Star has received authorization to abandon in Docket No. CP64-10.
²⁵ Rate schedule not previously filed.
²⁶ Gas no longer economically feasible.

SUGGESTED AGREEMENT AND UNDERTAKING

BEFORE THE

FEDERAL POWER COMMISSION

(Name of Respondent)

Docket No. -----

Agreement and Undertaking of (Name of Respondent) to Comply With Refunding and Reporting Provisions of Section 154.102 of the Commission's Regulations Under the Natural Gas Act

(Name of Respondent) hereby agrees and undertakes to comply with the refunding and reporting provisions of § 154.102 of the Commission's regulations under the Natural Gas Act insofar as they are applicable to the proceeding in Docket No. ----- (and has caused this agreement and undertaking to be executed and sealed in its name by its officers, thereupon duly authorized in accordance with the terms of the resolution of its board of directors, a certified copy of which is appended hereto¹), this ----- day of -----, 196--.

(Name of Respondent)

By -----

Attest:

¹ If a corporation.

[F.R. Doc. 64-7775; Filed, Aug. 6, 1964; 8:45 a.m.]

Tariff: Supplement 36 to Southwestern Freight Bureau, agent, tariff I.C.C. 4503. FSA No. 39177: *Cement and related articles from Selma, Mo.* Filed by Southwestern Freight Bureau, agent (No. B-8578), for interested rail carriers. Rates on cement and related articles, in carloads, from Selma, Mo., to points in southern territory, also Mississippi River crossings, Memphis, Tenn., and south thereof.

Grounds for relief: Market competition.

Tariff: Supplement 3 to Southwestern Freight Bureau, agent, tariff I.C.C. 4582. FSA No. 39178: *Feeder or stocker livestock between points in WTL territory.* Filed by Western Trunk Line Committee, agent (No. A-2368), for interested rail carriers. Rates on feeder or stocker livestock, in carloads, between points in western trunkline territory.

Grounds for relief: Short-line distance formula and grouping.

Tariff: Supplement 10 to Western Trunk Line Committee, agent, tariff I.C.C. A-4497.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 64-7941; Filed, Aug. 6, 1964; 8:46 a.m.]

[Notice 1026]

MOTOR CARRIER TRANSFER
PROCEEDINGS

AUGUST 4, 1964.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 66798. By order of July 31, 1964, the Transfer Board approved the transfer to N. B. Wilkinson, doing business as Dalby Transfer & Storage Co., Amarillo, Tex., of Certificate No.

MC 67224, issued January 16, 1959, to N. B. Wilkinson and Jimmy Ellis, a partnership, doing business as Dalby Transfer & Storage Co., Amarillo, Tex., authorizing the transportation of: Household goods, between Amarillo, Tex., and points within 25 miles of Amarillo, except those in Carson County, Tex., on the one hand, and, on the other, points in Kansas, and Oklahoma. Sterling E. Kinney, 630 Amarillo Building, Amarillo, Tex., 79101, attorney for applicants.

No. MC-FC 66965. By order of July 31, 1964, the Transfer Board approved the transfer to Nelson Trucking Co., Inc., Seattle, Wash., of Certificate No. MC 96604, issued January 8, 1952, to G. L. Nelson, doing business as Nelson Trucking Co., Seattle, Wash., authorizing the transportation of: Lumber, from Everett and Tacoma, Wash., to Seattle, Wash., restricted to shipments moving to the territories and possessions of the United States only. George H. Hart, 640 Central Building, Seattle 4, Wash., attorney for applicants.

No. MC-FC 66961. By order of July 31, 1964, the Transfer Board approved the transfer to Delmot Motor Express, Inc., Elmira, N.Y., of Certificate No. MC 30260, issued October 12, 1949, to Erma Delmot, doing business as Delmot Motor Express, Elmira, N.Y., authorizing the transportation of: General commodities, with exceptions including household goods and commodities in bulk, between Williamsport, Pa., and Elmira, N.Y., and between Williamsport, Pa., and Montoursville, Pa. Raymond A. Richards, 35 Curtice Park, Webster, N.Y., 14580, attorney for applicants.

No. MC-FC 67014. By order of July 31, 1964, the Transfer Board approved the transfer to Steven C. Reuter, doing business as Carl Reuter Freight Line, 712 West 3rd, Sumner, Iowa, of Certificate No. MC 1628, issued November 18, 1953, to Carl Reuter, doing business as Carl Reuter Freight Line, 712 West 3rd, Sumner, Iowa, authorizing the transportation of: General commodities, with the usual exceptions including household goods, between Waterloo, Iowa, and West Union, Iowa, serving the intermediate and off-route points of Maynard, Fayette, Sumner, and Tripoli, Iowa.

No. MC-FC 67029. By order of July 31, 1964, the Transfer Board approved the transfer to Brennan Bros., Inc., Jersey City, N.J. of Certificate No. MC 19496, issued January 30, 1959, to Owens Truckmen, Inc., New York, N.Y., authorizing the transportation of: Machinery and parts, in collection and delivery service, between points in New York, N.Y., and Machinery and parts, and equipment, materials, supplies, and merchandise of dismantled factories, between New York, N.Y., on the one hand, and, on the other, points in a specified part of New York and New Jersey. Douglas Miller, Meadowbrook Bank Building, Malverne, N.Y., representing transferor and William D. Traub, 10 East 40th Street, New York, N.Y., representing transferee.

No. MC-FC 67047. By order of July 31, 1964, the Transfer Board approved the transfer to N. B. Stewart, doing busi-

INTERSTATE COMMERCE
COMMISSIONFOURTH SECTION APPLICATIONS FOR
RELIEF

AUGUST 4, 1964.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 39176: *Iron and steel articles to points in Louisiana and Texas.* Filed by Southwestern Freight Bureau, agent (No. B-8577), for interested rail carriers. Rates on iron and steel articles, as described in the application, in carloads, from Solon, Ohio to points in Louisiana and Texas; also from points in official, southern, southwestern and western trunkline territories, to North Houston, Tex.

Grounds for relief: Market competition.

ness as Graham Transfer, Memphis, Tenn., of the operating rights issued by the Commission September 26, 1960, under Permit No. MC 112955 Sub 1, to J. R. Graham, doing business as Graham Transfer, Memphis, Tenn., authorizing the transportation, over regular routes, of meats, packinghouse products, and commodities used by packinghouses, in vehicles equipped with refrigeration, from Memphis, Tenn., to Millington, Tenn., serving all intermediate points, from Memphis over U.S. Highway 51N to Millington, and empty containers, used in the transportation of the above-specified commodities, from Millington, Tenn., to Memphis, Tenn., serving all intermediate points. Leo Bearman, Suite 1140 Sterick Building, Memphis, Tenn., attorney for applicants.

No. MC-FC 67102. By order of July 31, 1964, the Transfer Board approved the transfer to Sorensen Transportation Company, Inc., Woodbridge, Conn., of Certificates Nos. MC 116144, MC 116144 Sub 3, MC 116144 Sub 4, MC 116144 Sub 6, MC 116144 Sub 11, and MC 116144 Sub 13, issued October 5, 1959, July 8, 1959, October 31, 1961, October 23, 1959, November 29, 1962, and March 11, 1964, to Arthur W. Sorensen, doing business as Sorensen Transportation Company, Bethany, Conn., authorizing the transportation over irregular routes of fertilizer, in bags, from Carteret, N.H., and Cambridge and North Weymouth, Mass., to North Haven, Conn., Torrington, Litchfield County, Conn., Bridgeport, Fairfield County, Conn., and points in New Haven, Fairfield, Litchfield, Hartford, and Middlesex Counties, Conn., except incorporated cities and boroughs other than Torrington and Bridgeport,

Conn.; from North Weymouth and Cambridge, Mass., to points in Windham and New London Counties, Conn., except to incorporated cities and boroughs; from Wilmington, Del., to points in New Haven, Hartford, Windham and New London Counties, Conn.; from Carteret, N.J., to points in Windham, Tolland, and New London Counties, Conn., and Hampden and Berkshire Counties, Mass., except incorporated cities and boroughs; from Woodbridge, Conn., to points in Berkshire and Hampden Counties, Mass.; from Baltimore, Md., to points in Tolland, New Haven, Windham, New London, Fairfield, Litchfield, and Hartford Counties, Conn.; from Cambridge, Mass., to points in Tolland County, Conn.; from Lebanon, Pa., to Wethersfield and Woodbridge, Conn.; from Cambridge, and North Weymouth, Mass., and Carteret, N.J., to points in Connecticut; from Carteret, N.J., to points in Berkshire and Hampden Counties, Mass.; dry fertilizer, in bulk, from Cambridge, Mass., to points in Connecticut; and bananas, from port facilities in the New York, N.Y. commercial zone to points in Connecticut and to Southbridge, Springfield, Fitchburg, Boston, and Lawrence, Mass.; and from Baltimore, Md., to Boston and Lawrence, Mass. Hugh M. Joseloff, 410 Asylum Street, Hartford, Conn., attorney for applicants.

No. MC-FC 67112. By order of July 31, 1964, the Transfer Board approved the transfer to Charles G. Byars, Pickens, S.C., of Certificate No. MC 100214 Sub 1, issued November 24, 1954, to Keene Transport, Inc., Anderson, S.C., authorizing the transportation of petroleum products, in bulk, in tank trucks, over irregular routes, from points within 10 miles of Savannah, Ga., to points in

Anderson, Abbeville, Greenwood, Greenville, Oconee, and Pickens Counties, S.C.; and petroleum products, in tank trucks, from Savannah, Ga., to points in Anderson, Abbeville, Greenwood, Greenville, Oconee, and Pickens Counties, S.C. Henry P. Willimon, Box 1075, Greenville, S.C., attorney for applicants.

No. MC-FC 67122. By order of July 31, 1964, the Transfer Board approved the transfer to Ray E. Hoyt and Lester E. Hoyt, a partnership, doing business as Hoyt's Transfer, Worthington, Pa., of Certificate No. MC 22672, issued June 10, 1949, to Ray E. Hoyt, Worthington, Pa., authorizing the transportation over irregular routes, of brick and tile from points in that part of Armstrong County, Pa., north of a line beginning at the Butler-Armstrong County line, and extending along U.S. Highway 422 to Kittanning, Pa., thence along Pennsylvania Highway 85 to the Armstrong-Indiana County line, to points in that part of Ohio east and north of a line beginning at the Michigan-Ohio State line and extending along U.S. Highway 23, to Perrysburg, Ohio, thence along U.S. Highway 20 to Norwalk, Ohio, thence along U.S. Highway 250 to Wooster, Ohio, and thence along U.S. Highway 30 to East Liverpool, Ohio, and those in that part of New York west of U.S. Highway 62, including points on the indicated portions of the highways specified, with no transportation for compensation on return. Ray E. Hoyt, Worthington, Pennsylvania, representative for applicants.

[SEAL]

HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 64-7942; Filed, Aug. 6, 1964;
8:47 a.m.]

CUMULATIVE CODIFICATION GUIDE—AUGUST

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